IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Timothy L. Blucher
Appl. No.: 09/491,639
Filed: January 27, 2000
For: **Contour Fit Pan Liner for a Food Service Pan**

Confirmation No.: 8842
Art Unit: 3727
Examiner: S. Castellano
Atty. Docket: 2102.0010000

Brief on Appeal Under 37 C.F.R. § 41.37

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Filed herewith is a Notice of Appeal, appealing the decision of the Examiner in the Final Office Action mailed February 16, 2005, maintaining the rejection of claims 1-5, 9, 11, 28-35, 38-48, 52-59, and 63.

In support of the Notice of Appeal, Appellant hereby files this Appeal Brief. Appellant does not believe any further fees are due. However, if any fees are due, the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 19-0036.

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I. Real Party in Interest (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is M&Q Plastic Products, Inc., having its principal place of business at 1120 Welsh Road, Suite 170, North Wales, Pennsylvania 19454, by virtue of an assignment of the entire interest in Application Serial No. 09/491,639 from the inventor, Timothy L. Blucher, recorded by the U.S. Patent and Trademark Office at Reel 010878, Frame 0103, with a correction recorded at Reel 011437, Frame 0498.

II. Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii))

Appellants' undersigned representative is aware of no related appeals, interferences or judicial proceedings within the meaning of 37 C.F.R. § 41.37(c)(1)(ii).

III. Status of the Claims (37 C.F.R. § 41.37(c)(1)(iii))

Claims 1-5, 9, 11, 28-35, 38-48, 52-59 and 63 stand finally rejected and are on appeal. Dependent claims 6, 7, 49-51, and 60-62, directed to a non-elected species, are withdrawn from consideration pending allowance of a generic claim. Claims 8, 10, 12-27, 36 and 37 have been canceled. A copy of the pending claims is attached in the Claims Appendix.

IV. Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv))

All amendments and declarations have been entered in the record. The Final Office Action dated February 16, 2005, responded to and acknowledged applicants' previous submissions.

V. Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v))

The invention relates generally to a pan liner system that includes a pan and a drop-in polymeric pan liner. Commercial pans used for both cooking and serving food are difficult to clean when food has been baked on to the pan surfaces. Pan liners of various types have been used to prevent food from contacting the pan surface during cooking. Flat bag-shaped liners have been used with cooking pans. The corners of such liners (where the bottom edge meets the side edges) are typically formed at right angles. This structure results in pockets formed in the corners of the liner at the closed bottom end when it is installed in a pan, sometimes referred to as "dog ears." These pockets in the bottom corners tend to trap food, resulting in waste. This problem is exacerbated in large shallow cooking pans. In the case of a large, shallow cooking pan, a flat bag installed in the pan will fold such that its "corners" are quite large, capable of trapping several portions of food.

The present invention provides a practical solution to this problem, without requiring complex and expensive manufactured structures. In an embodiment, a two-sided, bag-shaped liner (e.g., any of the embodiments of liner 20 shown in Figs. 1-6 and 8-14, and described at page 11, line 28 to page 15, line 9) is sealed along its side edges (for example, edges 30, shown in Figs. 8-12 and 14a, and described at page 12, lines 20-23 of the specification). The bottom edge of the liner is constructed with a contour feature (e.g., bottom edge 24, described at page 12, lines 14-19 of the specification) that substantially eliminates the "dog ears." In an embodiment, the contoured bottom edge 24 has two contour portions 34 extending at an angle θ from each end of bottom edge 24 to the proximate side edge 30 of the liner (see, e.g., Figs. 8-12).

When the liner is laid out in a shallow food service pan with its sides folded over the top edges of the pan, the disposition of the contour features provides a surprising and unobvious interactive fit with the pan. This fit substantially eliminates food-trapping pockets that are present when a conventional liner is installed in such a pan.

The subject matter defined in each of the independent claims is explained below.

A. Claim 1

Claim 1 recites a pan liner system comprising a pan (e.g., any of the embodiments of pan 3 shown in Figs. 1-7 and/or described at page 8, line 27 through page 10, line 31) and a drop-in polymeric pan liner (e.g., any of the pan liners 20 shown in Figs. 3-6 and 8-14 and described at page 11, line 28 to page 15, line 9).

The pan comprises a bottom panel (e.g., bottom panel 4; Figs. 2-6; p. 8, lines 28-31) and one or more side walls (e.g., side walls 5; Figs. 2-6; p. 8, lines 28-31) extending upwardly from the bottom panel, the side walls each having a top edge (e.g., top edge 7; Figs. 2 and 5; p. 8, lines 28-31), the top edge defining a pan top opening (e.g., opening 6; Figs. 2-6; p. 8, lines 28-31).

The pan liner has a contour fit and is suitable for food service applications (e.g., any of the embodiments of liner 20 shown in Figs. 1-6 and 8-14, and described at page 11, line 28 to page 15, line 9), is disposed within the pan to cover an interior surface (e.g., surface 12; Figs. 2, 3, 5 and 6; and p. 11, line 28, through p. 12, line 1) of the pan. The contour fit pan liner further comprises a single layer film and a pre-formed, bag-shaped body independent of the pan (e.g., shaped body 21; Figs 8-14), the pre-formed bag-shaped body having a single contoured bottom edge (e.g., bottom edge 24; Figs. 8, 9

and 11-14) forming a closed bottom end (e.g., bottom end 22; FIGs. 9-12; page 12, lines 9-10) disposed over the pan proximate the bottom panel (e.g., bottom panel 4), wherein the contoured bottom edge has a flat bottom edge portion (e.g., flat bottom edge 33) and contoured edge portions (e.g., tapered, contoured or shaped edges 34) extending from the flat bottom edge portion, with the flat bottom edge portion joined and merged at each end with one of the contoured edge portions, one or more flexible side walls (e.g., side walls 26) extending upwardly from the contoured edge portions (e.g., tapered, contoured or shaped edges 34), wherein the side walls and the bottom end generally cover the interior surface (e.g., surface 12) of the pan, and an open top end (e.g., top end 23) extending upwardly beyond the pan top opening and the liner open top end being folded over the top edge (e.g., top edge 7) of the one or more side walls (e.g., side walls 5, 5a, 5b, 5c, and/or 5d) of the pan, wherein the pan liner does not have dog ears formed proximate the closed bottom end (e.g., bottom end 22), thereby preventing entrapment of food portions, and wherein the pan liner is capable of withstanding a temperature of about 400 degrees Fahrenheit.

B. Claim 32

Claim 32 recites a food preparation and service system, comprising a standard commercial pan (e.g., any of the embodiments of pan 3 shown in Figs. 1-7 and described at page 8, line 27 through page 11 of the specification), comprising a bottom panel (e.g., bottom panel 4) and one or more side walls (e.g., side walls 5, 5a, 5b, 5c, and/or 5d) extending upwardly from the bottom panel, the one or more side walls each having a top edge (e.g., top edge 7), the top edge defining a pan top opening (e.g., opening 6); and a single layer drop-in polymeric pan liner (e.g., any of the embodiments of liner 20 shown

in Figs. 1-6 and 8-14, and/or described at page 11, line 28 to page 15, line 9). The pan liner has a pre-formed contour fit disposed within the pan to cover an interior surface (e.g., surface 12) of the pan, the contour fit pan liner comprising one and only one contoured bottom edge (e.g., bottom edge 33) forming a closed bottom end (e.g., bottom end 22) disposed over the pan proximate the bottom panel (e.g., bottom panel 4), wherein the contoured bottom edge does not have dog ears, thereby reducing entrapment of food portions proximate the contoured bottom edge, the contoured bottom edge having one flat bottom edge portion (e.g., bottom edge portion 33) and two contoured edge portions (e.g., tapered, contoured or shaped edges 34), wherein the flat bottom edge portion (e.g., flat bottom edge 33) is joined and merged at each end with one of the contoured edge portions, and the contoured edge portions extend from the flat bottom edge and are joined and merged at an opposite end with a side wall edge (e.g., side edges or seal edges 30), two flexible side walls (e.g., side walls 26) extending upwardly from the bottom end, wherein the side walls and the bottom end generally cover the interior surface of the pan, and an open top end (e.g., top end 23) extending upwardly beyond the pan top opening and being folded over the top edge of the one or more side walls of the pan.

C. Claim 34

Claim 34 recites a food service system, comprising a food serving pan (e.g., any of the embodiments of pan 3 shown in Figs. 1-7 and/or described at page 8, line 27 through page 11 of the specification), comprising a bottom panel (e.g., element 4), and one or more side walls (e.g., elements 5, 5a, 5b, 5c, and 5d) extending upwardly from the bottom panel, the one or more side walls each having a top edge (e.g., top edges 7), the

top edge defining a pan top opening (e.g., opening 6). The system further comprises a drop-in polymeric pan liner (e.g., any of the embodiments of liner 20 shown in Figs. 1-6 and 8-14, and/or described at page 11, line 28 to page 15, line 9), comprising a single layer film having a pre-formed bag-shaped body (e.g., body 21) independent of the pan and having a contour fit disposed within the pan to cover an interior surface of the pan, the bag-shaped body comprising two flexible side walls (e.g., side walls 26) each having two side wall edges (e.g., side wall edges or seal edges 30) located at respective ends of the side walls (e.g., side walls 26), the side walls joined together at the two side wall edges (e.g., side wall edges or seal edges 30); a contoured bottom edge (e.g., bottom edge 24) that does not include dog ears, forming a closed bottom end (e.g., bottom end 22) at a junction of the two flexible side walls (e.g., side walls 26), wherein the contoured bottom edge has a single substantially linear flat bottom edge portion (e.g., flat bottom edge 33) lying substantially parallel to the bottom panel (e.g., bottom panel 4) of the pan when installed therein and two contoured edge portions (e.g., tapered, contoured or shaped edges 34), each contoured edge portion joining the flat bottom edge portion (e.g., flat bottom portion 33) to a respective side wall edge (e.g., side wall edge 30), and an open top end (e.g., top end 23), the top end extending upwardly beyond the pan top opening and being folded over the top edge of the one or more side walls (e.g., 5, 5a, 5b, 5c, and/or 5d) of the pan.

D. Claim 38

Claim 38 recites a pan liner system for use in food preparation, comprising a pan (e.g., any of the embodiments of pan 3 shown in Figs. 1-7 and/or described at page 8, line 27 through page 11 of the specification), and a pan liner for lining the pan (e.g., any

of the embodiments of liner 20 shown in Figs. 1-6 and 8-14, and/or described at page 11, line 28 to page 15, line 9), the pan liner being formed from a polymeric material capable of withstanding a temperature of at least about 400 degrees Fahrenheit, the polymeric material being formed in the shape of a bag having side edges (e.g., side edges or seal edges 30) and a contoured bottom edge (e.g., bottom edge 24), the contoured bottom edge having a single substantially linear central edge portion (e.g., flat bottom edge 33) and two contoured edge portions (e.g., tapered, contoured or shaped edges 34), each of the contoured edge portions extending from a respective end of the single central edge portion (e.g., flat bottom edge 33) and joined to one of the side edges (e.g., side edges or seal edges 30), whereby the contoured edge portions substantially eliminate entrapment of food occurring in corners of bags lacking the contoured edge portions.

E. Claim 42

Claim 42 recites a food pan liner system, comprising a pan (e.g., any of the embodiments of pan 3 shown in Figs. 1-7 and/or described at page 8, line 27 through page 11 of the specification) and a pan liner for lining the pan (e.g., any of the embodiments of liner 20 shown in Figs. 1-6 and 8-14, and/or described at page 11, line 28 to page 15, line 9), the pan liner formed with two polymeric sides meeting at side edges (e.g., side edges or seal edges 30) and at a single contoured bottom edge (e.g., bottom edge 24) and having open top edges (e.g., top edges 29), the contoured bottom edge having a single central edge portion (e.g., flat bottom edge 33) and two contoured edge portions (e.g., tapered, contoured or shaped edges 34) extending outwardly from each end of the single central edge (e.g., flat bottom edge 33) to meet the side edges (e.g., side edges or seal edges 30), with the polymeric sides bonded together along at

least the two contoured edge portions (e.g., tapered, contoured or shaped edges 34) and the side edges (e.g., side edges or seal edges 30).

F. Claim 53

Independent claim 53 is presented in means-plus-function form. The Examiner's recent assertion that this claim is not within the scope of 35 U.S.C. 112, sixth paragraph, is contrary to established law and is traversed. Claim 53 recites a food pan liner system, comprising "pan means" for holding food items during preparation or service thereof (corresponding to any of the various embodiments of pans 3 shown in Figs. 1-7 and/or described at page 8, line 27 through page 11 of the specification, and equivalents thereof) and "liner means" for lining the pan (corresponding to any of the embodiments of liner 20 shown in Figs. 1-6 and 8-14, and/or described at page 11, line 28 to page 15, line 9), the liner means formed as a bag comprising two polymeric sides meeting at sealed side edges (e.g., side edges or seal edges 30) and having open top edges. The claim further recites "contoured bottom edge means" (corresponding to any of the embodiments of bottom edge 24, including those described at page 12, lines 14-19 of the specification, and equivalents thereof) for providing a sealed bottom of the liner means and preventing the collection of food in a corner of the liner means when installed in the pan means, the contoured bottom edge means having a single central edge portion and two contoured edge portions extending from each end of the single central edge portion to meet the side edges.

VI. Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi))

A concise statement listing each ground of rejection presented for review follows.

A. Ground 1

Claims 38, 42-45, and 53-56 stand rejected under 35 U.S.C. §102(b) based on U.S. Patent 4,320,699 to Binks;

B. Ground 2

Claims 1-5, 9, 30-35, 38, 42-48, 52-59, and 63 stand rejected under 35 U.S.C. §103 based on the combination of U.S. Patent 4,320,699 to Binks, U.S. Patent 3,357,152 to Geigel, and U.S. Patent 4,759,642 to Van Erden;

C. Ground 3

Claims 11, 28, 29 and 39-41 stand rejected under 35 U.S.C. §103 based on the combination of U.S. Patent 4,320,699 to Binks, U.S. Patent 3,357,152 to Geigel, U.S. Patent 4,759,642 to Van Erden, and the M&Q Brochure; and

D. Ground 4

Claims 1-5, 9, 11, 28-35, 38-48, 52-59 and 63 stand rejected under 35 U.S.C. §103 based on the combination of U.S. Patent 2,542,413 to Ibsch or U.S. Patent 4,828,134 to Ferlanti, in view of U.S. Patent 3,357,152 to Geigel, U.S. Patent 4,759,642 to Van Erden, and the M&Q Brochure.

VII. Argument (37 C.F.R. § 41.37(c)(1)(viii))

A. Whether claims 38, 42-45, and 53-56 are patentable under §102(b) over Binks.

1. The Final Rejection

Beginning on the last line of page 2 of the February 16, 2005 Office Action, the Examiner asserts that:

> Binks discloses a pan liner system comprising a pan and a liner (see Fig. 2) made of polytetraflouroethylene (TFE or TEFLON) which is a polymeric material capable of withstanding a temperature of at least about 400 Degrees F, the polymeric material is formed in the shape of a bag (as shown in Fig. 2 wherein the material is in close contact with the inside contours of the pan) having side edges (the edges that correspond to the junction of two side walls) and a contoured bottom edge (the bottom edge that corresponds to the juncture of a side wall and the bottom), the bottom edge having a single central edge (the central 1/3 portion of the bottom edge that consists of 1/3 of the bottom edge in the middle of two end 1/3 portions on each of its ends) and two contoured edge portions (the two end 1/3 portions), each of the contoured edge portions extending outwardly from one end of the single central edge and joined to one of the side edges, whereby the contoured edge portions substantially eliminate entrapment of food occurring in corners of bags lacking the contoured edge portions.

2. Binks does not anticipate claim 38.

Claim 38 recites that the polymeric material of the liner is "formed in the shape of a bag having side edges and a contoured bottom edge, the contoured bottom edge having a single substantially linear central edge portion and two contoured edge portions, each of the contoured edge portions extending from a respective end of the single central edge portion and joined to one of the side edges."

Binks discloses (in Fig. 2) a flat sheet of Teflon laid in a shallow pan. This sheet does not have the recited bag shape or contoured edge arrangement. The Examiner asserts that when the flat sheet is placed in and supported by the side walls of a pan and heated, it softens and hugs the pan bottom to acquire a bag structure. However, the claim recites a particular structure of the liner, not the pan. The Binks sheet does not anticipate the pending claims. Binks fails to disclose at least the following features recited in claim 38:

a. "the polymeric material being formed in the shape of a bag." A bag is defined, for example, as "a container of flexible material, such as paper, plastic, or leather, that is used for carrying or storing items." American Heritage Dictionary of the English Language, 4th Edition, Houghton Mifflin, 2000. A flat sheet of polymeric material is not a container and therefore cannot be accurately described as "formed in the shape of a bag." Binks puts a flat sheet in a pan so that it is temporarily held in a generally concave shape by the walls of the pan, but this installation only temporarily changes the shape of the sheet not its structure. The Binks sheet is simply not a bag.

b. The "side edges" and the "contoured bottom edge" that is joined to the side edges. An edge may be defined, for example, as "the line of intersection of two surfaces," or "the area or part away from the middle; an extremity." *Id.* The Binks structure is a flat sheet, and its only edges are at the edges of the sheet. The part of the Binks sheet that lies along the intersection of the pan bottom and side walls is not an edge, i.e. an

intersection of different surfaces or parts of the Binks structure. It is no different from any other part of the Binks sheet, and therefore cannot be an "edge" of that sheet. The Examiner's interpretation seeks to arbitrarily define an "edge" in the middle of a flat liner sheet, based on a temporal alignment of that sheet with another object. As can be seen, the Binks sheet as shown in Figure 2 has no actual structural features corresponding to the recited edges. In the end, the "edges" identified by the Examiner in Binks are actually junctions of the pan sides and bottom, rather than edges of the liner sheet. Claim 38 recites these structural features as part of the *liner*, not the pan.

c. A "single substantially linear central edge portion" and "two contoured edge portions extending from a respective end of the single central edge portion and joined to one of the side edges." Again, at the point where the Binks sheet lies against the junction of the side and bottom of the pan, there is no identifiable structure *in the liner* that would define a bottom edge with a boundary between a linear central edge portion and two contoured edge portions extending between the central edge portion and the side edges. The Examiner appears to argue that these features are anticipated by an arbitrary straight line selected at a place on the Binks sheet that is not structurally distinct from any other part of the sheet, except based on its proximity to a side-bottom junction of the pan it is lying against. The Examiner then proposes to arbitrarily divide his imaginary line on the Binks sheet into three equal portions. There are of

course no distinguishing features or visible structure that define the alleged portions. Further, while the claim recites a central linear edge portion and two contoured edge portions, the three identical segments proposed by the Examiner are identical and none have any "contoured" characteristics. They are merely imaginary lines in the middle of a flat sheet laid in a pan.

For at least these reasons, Claim 38 cannot be reasonably interpreted so that its specific recitation of structural liner features is anticipated by a flat sheet such as that disclosed in Binks. Such an interpretation ignores the language of claim 38 and strains beyond reason the terms used to define the invention.

3. Binks does not anticipate claims 42-45.

Independent claim 42 recites a pan liner formed with "two polymeric sides meeting at side edges and at a single contoured bottom edge and having open top edges, the contoured bottom edge having a single central edge portion and two contoured edge portions extending outwardly from each end of the single central edge to meet the side edges." These claims differ from claim 38, for example, in that they recite two polymeric sides meeting at a single contoured bottom edge, and that the sides are bonded together along contoured edge portions and/or side edges.

The arguments set forth above with regard to claim 38 apply also to claims 42-45. These claims include additional specific features that further distinguish the recited invention from Binks. For example, the recitation in claim 42 that there are "two sides" and that these sides meet at a "single contoured bottom edge" makes these claims more

specific than claim 38 as to structure. These features even more clearly distinguish these claims from Binks, which merely discloses a flat sheet liner. Even under the Examiner's strained interpretation of "bottom edge," Binks does not have two sides that meet at a "single edge." There would be at least two "bottom edges" in the Binks liner if Binks is interpreted as suggested in the Office Action. In particular, there would be a "bottom edge" where each side of the pan meets the bottom of the pan. Thus, the flat sheet shown in Figure 2 of Binks does not have any structure that could be interpreted as two sides meeting at a "single" contoured bottom edge, as recited in these claims.

Further, the Examiner's interpretation of Binks is inconsistent with any finding that "the polymeric sides are bonded together along at least the two contoured edge portions and side edges" as is also recited in claim 42. There are no bonds in the Binks sheet, and no structures in Binks that are "bonded together" along the specified edges as recited in claim 42.

For at least these reasons, claim 42 and its dependent claims 43-45 are patentably distinct from claim 38, and also not anticipated by Binks.

4. Binks does not anticipate claims 53-56.

The arguments set forth above with regard to claim 38 apply also to claims 53-56. Further, independent claim 53 recites, among other things, a "liner means for lining the pan, the liner means formed as a bag comprising two polymeric sides *meeting at sealed side edges* and having open top edges," and a "contoured bottom edge means having *a single central edge portion and two contoured edge portions extending from each end of the single central edge portion to meet the side edges*" (emphasis supplied).

The Binks patent, as noted above, discloses a flat sheet liner. Binks lacks at least the following liner features recited in claim 53:

a. "two polymeric sides meeting at sealed side edges." There are no "sealed" side edges in Binks. Binks' flat sheet does not include any seals.

b. "contoured bottom edge means having a single central edge portion and two contoured edge portions extending from each end of the single central edge portion to meet the side edges." As noted above with reference to claim 42 and its dependent claims, Binks does not have a single central edge portion and two contoured edge portions connected to the recited sealed side edges.

For at least these reasons, Binks cannot be held to anticipate claims 53-56.

B. Whether claims 1-5, 9, 30-35, 38, 42-48, 52-59, and 63 are patentable under §103 over the combination of Binks, Geigel, Van Erden.

1. The Final Rejection

Claims 1-5, 9, 30-35, 38, 42-48, 52-59, and 63 were rejected under 35 U.S.C. §103 ("103") based on U.S. Patent 4,320,699 to Binks, in view of U.S. Patent 3,357,152 to Geigel and U.S. Patent 4,759,642 to Van Erden.

2. A Prima Facie Case of Obviousness Has Not Been Established.

a) The Examiner Bears the Burden of Establishing a Prima Facie Case of Obviousness

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-73 (Fed. Cir. 1984). If the examination at the initial stage

does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992).

b) There is no Motivation for the Proposed Modifications to the Base Reference.

The pending claims recite specific structural features of a food service pan liner. For example, independent claim 1 recites in part:

> a *pre-formed bag-shaped body* having: a *single contoured bottom edge* forming a closed bottom end disposed over the pan proximate the bottom panel, wherein the contoured bottom edge has a *flat bottom edge portion and contoured edge portions extending from the flat bottom edge portion, with the flat bottom edge portion joined and merged at each end with one of the contoured edge portions....*" (emphasis supplied).

Similarly, claim 32 recites a pan liner with a "pre-formed contour fit" and "one and only one contoured bottom edge" with a flat bottom edge portion and two contoured edge portions that extend from the flat bottom edge to be joined and merged with a side wall edge. Claim 34 recites a "pre-formed bag shaped body" with "two flexible side walls" and a contoured bottom edge at a junction of the side walls including contoured edge portions. Claim 38 recites polymeric material "formed in the shape of a bag" with a "contoured bottom edge having a single substantially linear central edge portion and two contoured edge portions...." Claim 42 recites a liner with two polymeric sides meeting at side edges and at a single contoured bottom edge, with the "polymeric sides bonded

together along at least the two contoured edge portions and the side edges." Claim 53 recites "liner means formed as a bag comprising two polymeric sides meeting at sealed side edges and having open top edges" and having contoured edge portions.

In the manner noted above, these claims define a pan liner that has either a "pre-formed bag shaped body" or more specifically, a bag with two sides meeting at sealed edges, and a single central bottom edge portion and two contoured edge portions connecting the bottom edge portion to the side wall edges.

The primary reference, Binks, discloses a flat sheet of TFE for lining a food vessel. Binks does not disclose or suggest a pre-formed bag-shaped body, or one with a single contoured bottom edge. The Office Action asserts that the Binks liner becomes substantially limp and hugs the surface of the pan when heated. However, even if this is true, the Binks structure is still merely a sheet placed within a pan, and does not have the structural features recited in any of these claims. Whether it is in the pan or removed from the pan, the Binks sheet will still have a sheet structure rather than a bag structure. In fact, Binks makes no suggestion and provides no motivation for a *pre-formed bag* with the specific claimed structure.

In an attempt to remedy these and other deficiencies of Binks, the Examiner added the Geigel and Van Erden patents to the rejection. Geigel shows a corner-cut thermoplastic bag. However, this bag is not a pan liner and is not heat resistant; it is designed and sized for use in continuous industrial packaging operations, such as making bags of cement, fertilizer, and other granular materials. Similarly, Van Erden shows a corner-cut cereal box liner designed for filling in a cereal box packaging line. Again,

this is not a pan liner. The bags of Geigel and Van Erden have very different purposes. Neither bag is intended for use in cooking in the food service industry, and the structure and materials of these bags are inappropriate for the claimed application.

A prima facie case of obviousness requires a motivation that would lead a person of ordinary skill in the art to modify the structures disclosed in the references to produce the claimed invention. In other words, there must be some teaching in the cited references that would lead a person of ordinary skill to modify the Binks structure to be like Geigel or Van Erden. In this case, there is nothing in any of the cited references that would realistically lead a person skilled in this field to put structures like those in Geigel or Van Erden into a food service pan.

Absent any teaching in the cited references to make the proposed combination, it is our conclusion that the alleged motivation can only come from applicant's own novel disclosure. This type of hindsight reconstruction of the claimed invention is forbidden. In response to applicant's point that the rejection relies on hindsight, at page 8, lines 13-19 of the Office Action, the Examiner states "[a]pplicant mentions that the examiner uses hindsight in rejecting the claims as being unpatentable under section 103. How does applicant know that the examiner didn't make this rejection previously? There doesn't seem to be any basis for this remark."

The Examiner appears to recognize and admit that the cited references are not pan liners, and include what he refers to as a corner cut feature to solve specific problems experienced in industrial packaging lines. Further, the Office Action recognizes that the packaging field motivations do not apply in the realm of food service pan liners.

However, at page 8, lines 13-19 of the Office action, the Examiner dismisses that defect in the case, asserting that "[i]t doesn't matter that a different problem is solved, the result is that it is obvious for a different reason to solve a different problem to cut and seal the corners."

In other words, the Examiner seems to take the position that any motivation will do--the motivation need not be relevant to the problem addressed by the invention and need not have any rational application in the context of the invention. Thus, the Office Action reads out of the law the requirement that there must be a genuine motivation to an actual person working in the relevant art. The Examiner's position is ultimately an assertion that if the claimed structures can be selectively pieced together from the cited references, they are obvious. This is contrary to U.S. patent law. *See e.g. In re Fritch,* 972 F.2d 1260, 1266 (Fed. Cir. 1992) ("[I]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that they claimed invention is rendered obvious.")

The pending application discloses a problem identified by the inventor and demonstrates the solution, and the evidence submitted demonstrates the unobviousness of that solution. Armed with the benefit of the hindsight knowledge presented in the application, however, the Examiner has found an analogous shape in a totally different type of bag designed for industrial packaging operations, and has rejected all of the pending claims solely on that basis, with no explanation of why a person of ordinary skill would be motivated to apply that shape *in the claimed context.*

The rejection is based on:

a. A reference (Binks) showing a method of lining a cooking pan, but disclosing only a flat sheet of TFE as a liner. Binks fails to disclose or suggest any type of bag shaped structure for this purpose, let alone a structure with the claimed contoured edge portions.

b. A reference (Geigel) where a completely different type of bag produced for a different context is formed with corner cuts. The Geigel bag is made from a material that is not heat resistant and not appropriate for the claimed food service application, and is designed and sized for use in continuous industrial packaging operations, such as making bags of cement, fertilizer, and other granular materials.

c. Another reference (Van Erden) where yet another type of bag that is not a pan liner has a corner-cut structure. Van Erden discloses a cereal bag designed to be filled in a cereal box packaging line. The Van Erden bag is structurally inappropriate for the claimed pan liner application because it is not heat resistant.

What is missing from these references is anything that would rationally motivate a person skilled in the art, looking at the Binks structure, to do any of the following:

a. Recognize and understand the problems of (1) poor fit of pan liners, (2) cost and difficulties of manufacture, (3) difficulty of use, and (4) food collecting in corners of a cooking pan liner, and recognize that these problems contributed to the lack of widespread adoption of commercial cooking pan liners.

b. Address these problems by redesigning the Binks liner to be constructed in the form of a bag rather than a plain sheet, especially when Binks teaches directly away from such a redesign. "An important object of the present invention is to...provide a liner which is efficient, inexpensive, easy to use, having the attributes of...ready adaptability to heated cooking surfaces without special forming or treatment requirements." Binks, Col. 1, lines 39-48.

c. Redesign Binks to solve the problem of food collecting in the corners of a bag-shaped liner, when Binks teaches a liner that has neither a bag shape nor any corners where food would collect, and obviously doesn't benefit from such redesign.

d. Examine bag structures used in the industrial packaging field on automated fill assembly lines, and choose such a structure as a basis for making a food service pan liner.

e. Select, in particular, a corner-cut bag shape out of a plurality of possible shapes and designs available for use on industrial packaging lines, and conceive that there would be advantages if a pan liner having that shape were made out of a different material than that disclosed in the references showing that structure, then installed in a very specific manner in a food service pan.

f. Looking only at the bags of Geigel and Van Erden whose sole disclosed purpose is to be filled with material by an automated system and then stacked or boxed, anticipate the results that would be obtained if a heat

resistant food service pan liner were modified to include certain features of these bags.

g. Find any reason (absent hindsight) to add the corner cut feature to a specific type of pan liner, when the "advantages" of the corner cut feature disclosed by Geigel and Van Erden apply only in the field of industrial packaging lines, and there is no motivation cited that would be viewed as relevant by those designing food service pan liners.

It is well settled that invention may lie in the mere recognition of a problem as well as in the discovery of a solution. The present invention provides an inexpensive solution to the problem of collection of food in the corners of a pan liner. The Binks design uses a flat sheet that conforms to the shape of a vessel. The Binks liner has no bag structure, and therefore no corners that might fill with food. None of the references relied upon for the rejection recognize or discuss this problem as it applies to food service pan liners.

The Office Action proposes four motivations for modifying Binks in the manner proposed, all taken from the context of the Geigel and Van Erden bags for automated filling operations. These asserted motivations are: (1) eliminate a tendency to snag, (2) improve stackability, (3) avoid cumbersome procedures of gusseted bag manufacture, and (4) free the bottom corners of the bag from interfering with easy reception and packing of the filled bag in a close fitting carton.

These "motivations" suggested by the Office Action do not provide any apparent value in the context of a food service pan liner, and are particularly irrelevant in the

context of Binks. For that reason, they would not motivate a person of ordinary skill in this art to apply such structures in the context of a food service pan liner.

With regard to motivation (1), avoiding "snagging of the bag" in the sense indicated by Geigel or Van Erden has no relevance to food service pan liner applications. A food service pan liner is typically installed in a pan by hand, and there is no problem with snagging during that installation. A food service pan liner is not filled, processed, or installed in a carton mechanically as in the case of the Geigel or Van Erden production product containers. Again, the type of snagging that might occur during these automated processes is a non-issue in the field of pan liners. Further, the flat sheet structure of Binks already inherently lacks a tendency to snag anything, so why would a person of ordinary skill in the art be motivated by this teaching to modify Binks as suggested?

With regard to motivation (2), stackability may be relevant in filling bags of fertilizer, but it is not a goal or a useful feature in making a food service pan liner. Pan liners will not be filled with material and stacked on pallets. Further, the Binks sheets are not capable of holding food by themselves, and inherently cannot be filled and stacked. Thus, a teaching that the Geigel or Van Erden structures have "improved stackability" would mean nothing to a person of ordinary skill working on a cooking pan liner.

With regard to motivation (3), Binks has already avoided the "cumbersome procedures of gusseted bag manufacture" by using a flat sheet. Therefore this suggested motivation teaches away from the proposed modifications to Binks. Further, to applicant's knowledge, gusseted bags have not been used as high temperature pan liners

in the food service industry. Any suggestion of eliminating gusset structures would not provide any meaningful motivation in the field of food service pan liners, and would not lead to the claimed invention.

With regard to motivation (4), the issue of "interfering with easy reception and packing of the filled bag in a close fitting carton" is again relevant only to the automated bag filling and carton stuffing operations that form the context of the Geigel and Van Erden disclosures. Issues relating to packing a bag into a close fitting carton have no motivating value in the field of food service pan liners. A person of ordinary skill in this art would have no reason to modify the Binks pan liner to make it easier to pack it into a close fitting carton.

As the foregoing discussion illustrates, the patents cited by the Examiner do not provide any suggestion or motivation that would logically lead an artisan to modify Binks to obtain the invention claimed in the present application. It is only with the benefit of hindsight, using applicant's own disclosure as a blueprint, that a person of ordinary skill in the art would select, from the many diverse bag structures that have been developed, bag shapes similar to those shown in Van Erden and Geigel, create these bag shapes from a high temperature material completely different from the materials disclosed in Van Erden and Geigel, and then substitute these structures for conventional food service pan liners to solve the specific problem identified by the inventor.

3. Any Prima Facie Case is Overcome by the Direct Evidence in the Record

To the extent that any prima facie case of obviousness could be established based on the cited references, it has been refuted by the available objective evidence of

patentability set forth in the record. The evidence submitted is compelling, but has been ignored by the Examiner. This evidence includes two recently submitted Supplemental Declarations and supporting documentary evidence, as follows:

a) Supplemental Declaration of Dr. Melvin Druin

Dr. Melvin Druin is an acknowledged expert in the packaging and plastics industry with many years of experience. As indicated in his declaration, Dr. Druin initially viewed the present invention with skepticism. The applicant has found that those seeing the claimed structure for the first time often do not recognize the advantages that it provides. Dr. Druin confirms in his Supplemental Declaration that he had never seen a liner constructed in this manner. He admits having being puzzled by the contoured edge feature on first inspection. After installing it in a pan and noting the advantage provided by the contoured edge feature, Dr. Druin praised the contour feature. See Druin declaration, paragraph 13.

Dr. Druin's declaration also provides the benefit of his expert analysis regarding the capabilities and knowledge of a person having ordinary skill in this field. Dr. Druin reviewed the application, the pending claims, the Office Action, and the references in detail. In his Supplemental Declaration, he explains, from the perspective of a person skilled in the art, why the references relied upon for the rejections do not suggest the claimed invention to a person of ordinary skill in the field of food packaging, and gives a clear explanation as to why such a person would not have looked to the cited structures. Dr. Druin identifies significant distinctions between the invention and each cited reference (see Druin Declaration, paragraphs 14-27).

Dr. Druin also describes a long-standing deficiency in the field of pan liners prior to the introduction of the present invention (paragraph 28). In his opinion, this long standing deficiency is direct evidence that the claimed invention was not obvious to a person of ordinary skill in the art at the time it was made (paragraph 29). Thus, Dr. Druin's declaration provides his opinion that (a) the claimed invention would not have been obvious to a person skilled in the relevant art, and (b) the invention meets a long-felt need. Dr. Druin's declaration also expresses his initial skepticism/lack of understanding followed by praise for and positive reaction to the invention.

b) Supplemental Declaration of Timothy Blucher

Further evidence in support of patentability is found in the Supplemental Declaration of the inventor filed January 27, 2005. The declaration and the attached exhibits provide positive evidence of the considerable commercial success of the invention and the overwhelmingly favorable reaction of the industry to its features. The declaration and its attachments prove the following facts:

- Prior to the introduction of products embodying the invention, the company that owns this application sold conventional liners. Its PanSaver® line of "contour fit" liners incorporates the features recited in the pending independent claims (see e.g. Paragraphs 3-5).
- Food service managers were initially skeptical about using pan liners. The introduction of products embodying the claimed features has been key in overcoming this initial skepticism (see Paragraphs 5-6).

- Many who have seen the invention in action have abandoned any initial skepticism and praised the invention. The assignee has received written testimonials from satisfied customers who specifically attest to the benefits of the features recited in the pending claims. These testimonials were in some cases solicited, and are believed to represent the honest opinions of the writers (see Paragraph 7 and Exhibit A).
- The invention has also received many unsolicited verbal testimonials from those in the industry. The declaration includes examples of specific verbal testimonials to the benefits of the contour fit feature recited in each of the pending claims (see Paragraph 8).
- Customers have such a strong preference for the claimed contour fit feature that many, including ARAMARK (the world's largest food service contractor), have issued "approved brand" or "no substitute" bid requests that specify these "contour fit" pan liners. These customers particularly and specifically demand the features recited in the pending claims, to the exclusion of products not embodying the claimed invention. If the inventive features were not important, such users would seek the lowest bid. Instead, they refuse to consider products that lack the "contour fit" feature (see Paragraph 9 and Exhibit B)
- After products embodying the present invention were introduced, sales began to increase and have steadily increased since that time despite considerable barriers in the industry, while sales of conventional liners that do not include the claimed features have fallen (see Paragraphs10-13).

- The rapid increase in sales of products embodying claimed features has far outstripped increases in advertising and marketing expenses, and cannot be attributed merely to increased marketing efforts (see analysis in Paragraph 12).
- Within four years of introduction, products incorporating the claimed features have taken over 80% of the relevant U.S. market (see Paragraph 14).

c) Examiner Denies Evidence Contained in Druin Declaration

The Examiner dismissed the Druin declaration with the conclusory assertion that the declaration fails to set forth sufficient facts. The Examiner further asserts that Dr. Druin is not an expert in the fields related to the applied references or in patent prosecution. Finally, the Examiner asserts that Dr. Druin "has a financial interest in his association with M&Q Plastic Products, Inc."

With regard to factual evidence, Dr. Druin's declaration provides testimony from his personal knowledge of the plastics industry and practices in the industry, and provides his specific expert opinion as to the approaches that a person of ordinary skill would and would not take in developing a pan liner. This testimony is both material and relevant to the question of patentability.

With regard to Dr. Druin's expertise, even the most cursory review of Dr. Druin's resume compels the conclusion that he is an eminent expert in plastics covering a wide range of fields, particularly including the use of plastics in the food service industry, i.e. the field of the invention. To the extent the Examiner asserts that the cited references in the pending rejections are so far removed from the field of the invention that an expert

with Dr. Druin's experience cannot opine on those references, this merely proves appellant's position that these references are not applicable to the present invention.

With regard to Dr. Druin's knowledge of patent prosecution, Dr. Druin is not being offered as a patent law expert. Dr. Druin is being offered as an expert in the relevant art to opine on what would or would not be obvious to a person of ordinary skill in the relevant art.[1] Dr. Druin's declaration demonstrates that he understands the concept of a person of ordinary skill in the art, and gives his expert opinion regarding what would be obvious to such a person, and to which technical fields such persons would look in developing pan liner designs.

Dr. Druin's Supplemental Declaration makes clear in Paragraph 8 that he has no financial interest in the assignee or in this patent application. Dr. Druin's only interest in the assignee of this application that could be alleged to create bias is that Dr. Druin provides other consulting services to the assignee of this application. Dr. Druin's time is valuable, and he is compensated for such consulting services, just like he was compensated for his time in reviewing the prosecution history and the references in this matter and providing his opinion. Importantly, however, Dr. Druin's declaration acknowledges his understanding that false statements are punishable by fine or imprisonment. Dr. Druin's declaration reflects his honest opinions regarding the issues addressed. If compensation of a declarant for the time spent preparing the declaration justified dismissing his declaration, the utility of Rule 1.132 declarations would be severely diminished.

d) Examiner Denies Clear Evidence of Commercial Success in Blucher Declaration

The Examiner's response to the inventor's declaration denies that it demonstrates any commercial success of the invention.

There is no justification for the Examiner's refusal to give appropriate weight to the Blucher declaration and its attachments. The evidence of patentability is substantial and includes commercial success exemplified by widespread adoption by the food service industry and the stated refusal by many customers to accept substitutes.

Each statement in the Examiner's analysis of the Blucher declaration presented in the Office Action is either factually or logically wrong. These statements include:

(1) "There is no comparison of the sales of pan liners with dog ears to sales of liners without dog ears."

This assertion is inaccurate on its face. It ignores the statements in the Blucher declaration that sales of liners without dog ears, that is, "contour fit" liners, have grown steadily. The sales figures show that sales of the inventive product dwarf all historical sales of liners with dog ears (that is, square bottom liners). Specifically, in paragraphs 4-5 of his declaration, the inventor states that

> Prior to the introduction of the PanSaver® product with its contour fit feature, we offered conventional square-bottom pan liners. Many food service managers were resistant to the idea of using a plastic pan liner because food portions became stuck in the corners of conventional pan liners.... The introduction of the contour fit feature has been a key

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[1] We do note that Dr. Druin's declaration and curriculum vitae demonstrate that he is the named inventor on 14 issued patents.

> factor in overcoming resistance to the use of pan liners in the food service industry.

Significantly, the inventor goes on to declare in paragraph 9 that "sales have increased continuously since introduction of the contour fit product." Finally, the inventor declares in paragraph 10 that

> Total M&Q pan liner sales in fiscal 2003 were approximately $2,329,892. This figure includes both PanSaver® liners [i.e. liners according to the invention] and conventional square-bottom liners; separate figures were not available. Due to market demand for the contour fit feature, square-bottom liners are now manufactured for only one M&Q customer. M&Q's limited sales of conventional pan liners are dwarfed by sales of the PanSaver® brand liner with the contour fit feature. On information and belief, sales of conventional liners in 2003 were on the order of $30,000, and sales of PanSaver® brand liners were on the order of $2.3 million.

Thus, contrary to the Examiner's assertion, the Blucher declaration demonstrates incontestably that:

- Prior to the introduction of products embodying the invention, the company that owns this application sold conventional liners.
- The introduction of products embodying the invention has been key in overcoming industry resistance to the concept of pan liners.
- After products embodying the present invention were introduced, liner sales began to increase and have steadily increased since that time.
- Industry preference for the inventive liners is so strong that sales of the conventional liners by M&Q Plastic Products have diminished to

approximately $30,000 per year, while sales of the liners embodying the invention have grown to approximately $2.3 Million annually.

(2) "There is no evidence of the amount of or lack of marketing conducted prior and during the sale of the pan liners."

To the contrary, the declaration accurately discloses the marketing budgets allocated to these products during the relevant period. See Paragraph 9 ("Total selling expense has increased from $645,501 in 2000 to $1,766,485 in 2003"). Total selling expense represents the assignee's marketing and related incentive costs. These costs include salaries, truck and auto expense, entertainment, advertising, commissions, product development, travel, trade show expense, and other miscellaneous selling expenses. As shown in Exhibit C to the Blucher declaration, sales of the two most popular sizes (representative of all sales) have gone from approximately $128,000 to $927,000 during the same period. Thus, sales of a typical product have increased by over 600% while marketing expenses have increased less than 200%. The marketing budgets have been fully disclosed to the Patent Office, and the sales and marketing figures demonstrate that the increased sales have been proportionately greater than any increases in marketing budgets. The entirety of the declaration demonstrates that the invention has been commercially successful, as a result of inventive features that are desired by the market, and not based only on increased marketing efforts.

(3) "The declaration doesn't provide a nexus or connection to the claims as presented."

This assertion is also wrong on its face. Paragraph 3 declares that "[t]he contour fit pan liner disclosed and claimed in the above-identified application is sold under the

trademark PanSaver®." Thus, the declaration makes clear that the invention to which the pending claims are directed is a contour fit pan liner, and that this inventive liner is sold under the mark PanSaver®. The declaration and its attachments proceed to tie each piece of evidence of patentability to the contour fit (contour edge) feature and/or the PanSaver® brand product line that is synonymous with that feature, in contrast to the non-contour or flat bottom pan liner.

> ***(4) "The testimonial letters presented do not prove commercial success since the authors demonstrate a lack of knowledge of the prior art of pan liners with dog ears and the pan liners of Binks, Ferlanti, and Ibsch, Jr."***

Like the Examiner's other assertions relating to the Blucher declaration, this statement is also inaccurate. Several of the letters particularly identify the contour fit or elimination of dog ears as a compelling feature of the product, demonstrating that the authors of those letters are familiar with such prior art.

Further, this assertion completely ignores the other evidence provided, such as the examples of "approved brand" and "no substitute" bid requests issued by satisfied purchaser of products embodying the claimed invention. These purchasers took the initiative to issue these purchase orders or bid requests that specify the assignee's contour fit pan liner to the exclusion of competing products. These customers are clearly aware that there are other types of pan liners that might be substituted for the claimed liners, and have taken the trouble to specify that they will accept no such substitutes.

(5) "In some cases the testimonial letter (sic) reference the fact that applicant solicited or requested the testimonial letters."

This statement is accurate, but to discount the letters on this basis is completely inappropriate. These letters express the honestly held opinions of neutral third parties in the relevant market. Applicant specifically disclosed to the USPTO when submitting the letters that he had solicited such letters describing customer experiences with the product. There is nothing unseemly about soliciting such evidence; the fact that customers were invited to comment in this manner does not reduce the value of those comments as evidence of actual customer opinion. The letters represent real-world market information that is much more probative of the actual state of the art than the Examiner's unsupported assertions about what would have been obvious.

Those writing the letters are third parties with no personal interest in this matter. Many of these letters refer specifically to the contour edge feature claimed in the present application. If the writers did not genuinely feel that this invention is praiseworthy, they would certainly not have taken time out of their schedule to write a letter. Thus, these letters should be given due consideration.

(6) Examiner Fails to Acknowledge Key Evidence Submitted with Blucher Declaration

In addition to the profound errors in the Examiner's analysis of the objective evidence of patentability, the analysis is also deficient because it fails to recognize and offer any rebuttal for several categories of evidence identified in the Blucher declaration. For example:

- The declaration includes examples of specific verbal testimonials to the benefits of the contour fit feature recited in each of the pending claims (see Paragraph 7). The inventor further declares that there have been many other unsolicited verbal testimonials to the advantages provided by the inventive features. The Office Action ignores this history of verbal testimonials, which were specifically tied to features recited in the pending claims.
- The declaration notes the use of "approved brand" or "no substitute" bid requests that literally specify "contour fit" pan liners by customers. This is direct evidence that these customers particularly and specifically demand the contour edge feature, to the exclusion of any alternative product not embodying the claimed invention. If this feature were not important, such users would seek the lowest bid rather than specifying a contour fit. The Office Action fails to rebut this clear evidence.
- The declaration provides specific sales figures demonstrating that sales of the inventive liners have continuously increased since their introduction, and that these liners have become far more popular than the conventional liners, for which only minimal demand remains. The Office Action similarly does not deal with this evidence.

Applicant thus submits that there is substantial "objective evidence" of patentability including commercial success exemplified by widespread adoption by the food service industry and the stated refusal by many customers to accept substitutes. The direct evidence of patentability is sufficient to overcome any prima facie case of obviousness arguably made out by the cited references.

C. Whether claims 11, 28, 29 and 39-41 are patentable under §103 over the combination of Binks, Geigel, Van Erden, and the M&Q Brochure

These six dependent claims are based on independent claims 1 and 38, respectively. These claims recite the use of specific materials to form the claimed pan liner. Base claims 1 and 38 are patentable for the reasons set forth above in Section VII(B) of this Appeal Brief, relating to the rejection based on Binks, Geigel, and Van Erden. The arguments set forth above in Section VII(B) for patentability of the independent claims on which dependent claims 11, 28, 29, and 39-41 are based are incorporated herein by reference, and apply with equal force to render this rejection unsustainable. In particular, for the reasons explained previously, the combination of Binks, Geigel, and Van Erden fails to provide motivation for the proposed modifications and therefore does not make out a valid prima facie case of obviousness as to the pending claims.

This rejection differs from the rejection addressed in Section VII(B) only insofar as the M&Q Plastic Products brochure is added to the combination. This brochure was created by the assignee of the present invention to advertise a predecessor product. The M&Q Brochure discloses pan liners constructed from particular materials. However, the M&Q Brochure does not disclose a contour edge feature or any of the other distinguishing features recited in the pending independent claims. Therefore, the addition of the M&Q brochure does not in any way remedy the deficiencies of the Binks/Geigel/Van Erden combination in terms of claims 1 and 38 as noted above, or in terms of supporting a rejection of these dependent claims. Further, the addition of the M&Q Plastics Brochure does not counteract the overwhelming direct evidence of

patentability for the invention, as discussed in Section VII(B) above and attached hereto in the Evidence Appendix. In summary, these independent claims are patentable because their base claims 1 and 38 recite features that are not suggested by the combination of Binks/Geigel/Van Erden, with or without the addition of the M&Q Plastics Brochure. These claims are further patentable in view of their specifically recited features, but such distinctions need not be separately argued in view of the weakness of the combination rejection, and the overwhelming direct evidence of patentability.

D. Whether claims 1-5, 9, 11, 28-35, 38-48, 52-59 and 63 are patentable under §103 over the combination of Ibsch or Ferlanti, in view of Binks, Geigel, Van Erden, and the M&Q Brochure

The last of the four rejections is a catch-all rejection combining six different references, including all of the references used in the previous 103 rejections, as discussed (and discredited) above. This rejection substitutes U.S. Patent 2,542,413 to Ibsch or U.S. Patent 4,828,134 to Ferlanti for Binks as the base reference, apparently relegating Binks to an undefined supporting role.

The analysis set forth previously in Sections VII(B) and VII(C) addressing the combination of Binks, Geigel, Van Erden, and the M&Q Brochure apply directly to this rejection, and are incorporated herein by reference. Appellant has demonstrated that there is no practical motivation for that asserted combination, and has pointed out the overwhelming persuasive force of the evidence of patentability in the record. For the sake of brevity, those arguments will not be repeated in their entirety in this section, but should be considered as an integral part of the argument against this rejection.

The attempt to throw together six references, substituting Ibsch or Ferlanti for Binks as the base reference, does not remedy the inherent motivational deficiencies of the art of record. As explained in detail in Section VII(B) and VII(C) above, Binks, Geigel, Van Erden, and the M&Q Brochure, alone or in combination, provide no practical reason for a person of ordinary skill in the art to modify known food service pan liners with structural elements taken from the dissimilar Geigel or Van Erden packaging. This remains true regardless of whether Binks, Ibsch, or Ferlanti is used as the base reference. As will be seen, neither Ibsch nor Ferlanti supplies the missing motivation needed to establish a prima facie case of obviousness in the unsustainable Binks, Geigel, Van Erden, M&Q combination. Thus, the addition of these two references to the previously asserted combinations has no constructive effect.

Ibsch and Ferlanti disclose layered cooking vessels. Like Binks, these liners have no bag structure, and therefore no corners that might fill with food. Like Binks, Ibsch and Ferlanti do not teach or suggest a liner having joined edges, let alone any of the claimed structural features such as a bag with a contoured bottom edge. Thus, all of the distinctions and arguments set forth in Sections VII(B) and VII(C) apply to Ibsch and Ferlanti in the same manner that they apply to Binks.

If anything, the addition of Ibsch and Ferlanti to the combination makes it even more difficult to find the required motivation. These two references teach away from features recited in the pending claims. In particular, Ibsch and Ferlanti teach a multi-layered lining system with multiple layers that can be removed as they are used. The proposed modification of their relatively flat vessels to take on the structure of the Van

Erden or Geigel bags, taking into account the clear teachings of these references, would result in nesting or "stacking" of Van Erden/Geigel-type bags in the cooking vessel. In a practical sense, assembly of the bags of Van Erden or Geigel into nested structures for use as liners would be a different and more complex problem than a similar assembly of flat vessels. Certainly it is not a problem contemplated by either of these references. Thus, a person of ordinary skill in the art, looking at all of the references relied upon by the Office, would be motivated *against* replacing the flat vessels with bag structures and would see such a replacement as a detriment rather than a benefit. None of these references suggests that such a combination would be desirable or beneficial. Since the combination of Ibsch or Ferlanti with the other references not only fails to motivate, but actually teaches away from the claimed subject matter, this combination cannot make out a prima facie case of obviousness.

In summary, for the reasons stated in Section VII(B) and VII(C) above, as amplified by the comments in this section, the asserted combination of references does not provide a valid basis for rejection. Further, the overwhelming direct evidence of patentability, as set forth in the Evidence Appendix and discussed in Section VII(B) of this Appeal Brief, overcomes any arguable prima facie case that might be found in this combination of references.

VIII. Conclusion

The pending rejection under U.S.C. 102 is improper on its face and should be reversed. The rejections under 35 U.S.C. 103 do not make out a prima facie case of obviousness because there is no motivation in the record for the proposed modifications to the base references. Any arguable prima facie case is rebutted by the objective evidence of patentability in the record.

The references relied upon for the pending rejections illustrate simple technologies. The Ibsch patent issued in 1951, with the similarly-structured Binks and Ferlanti patents following in 1982 and 1989. The Geigel patent issued in 1967, followed by Van Erden in 1988. The essential structures relied upon in the rejections have thus been known for decades, and have been the subject of continuing improvements. It is reasonable to ask why, if the invention was obvious, was it never developed by another during that long period?

The answer is clear. This invention was not obvious. This conclusion is confirmed by the overwhelming direct evidence of patentability in the case record. When the inventor developed the claimed products, they were met with initial skepticism, but since then they have been embraced by a growing segment of the food service industry. The commercial success of the invention is confirmed by steadily increasing sales in seven figures. Even more telling, an increasing number of customers are voting for this invention with their money, by specifying the inventive pan liners and excluding from consideration those products lacking the inventive feature, even though the conventional products may be less expensive.

Appellant respectfully requests that the Board reverse the Examiner's final rejection of these claims and remand this application for allowance and issue.

Respectfully submitted,

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IX. Claims Appendix - Pending Claims

1. A pan liner system for forming an improved barrier between a pan and food disposed therein, the pan liner system comprising:

a pan comprising:

a bottom panel, and

one or more side walls extending upwardly from the bottom panel, the one or more side walls each having a top edge, the top edge defining a pan top opening; and

a drop-in polymeric pan liner having a contour fit and suitable for food service applications disposed within the pan to cover an interior surface of the pan,

the contour fit pan liner further comprising a single layer film and a pre-formed bag-shaped body independent of the pan, the pre-formed bag-shaped body having:

a single contoured bottom edge forming a closed bottom end disposed over the pan proximate the bottom panel, wherein the contoured bottom edge has a flat bottom edge portion and contoured edge portions extending from the flat bottom edge portion, with the flat bottom edge portion joined and merged at each end with one of the contoured edge portions,

one or more flexible side walls extending upwardly from the contoured edge portions, wherein the side walls and the bottom end generally cover the interior surface of the pan, and

an open top end, the top end extending upwardly beyond the pan top opening and the liner open top end being folded over the top edge of the one or more side walls of the pan,

wherein the pan liner does not have dog ears formed proximate the closed bottom end, thereby preventing entrapment of food portions, and

wherein the pan liner is capable of withstanding a temperature of about 400 degrees Fahrenheit.

2. The pan liner system of claim 1, wherein the single contoured bottom edge consists essentially of a single flat bottom edge portion and exactly two contoured edge portions.

3. The pan liner system of claim 1, wherein each of the contoured edge portions comprises a substantially straight tapered edge.

4. The pan liner system of claim 3, wherein each of the tapered edges is formed having a predetermined angle from a line defined by the flat bottom edge portion, wherein the angle is predetermined based on a shape and size of the pan.

5. The pan liner system of claim 1, wherein each of the tapered edges forms an angle of about 40 to about 55 degrees with a line defined by the flat bottom edge portion.

9. The pan liner system of claim 1, wherein the contour fit pan liner is removably disposed within the pan.

11. The pan liner system of claim 1, wherein the pan liner is constructed from a high temperature polyamide or polyester.

28. The pan liner system of claim 1, wherein the pan liner has a tensile strength of about 13,000 p.s.i.

29. The pan liner system of claim 1, wherein the pan liner is non-blocking.

30. The pan liner system of claim 1, wherein the pan liner is designed to fit within a standard commercial sized and configured pan.

31. The pan liner system of claim 30, wherein the pan has a shape selected from the group consisting of rectangular, square, triangular and circular.

32. A food preparation and service system, comprising:

a standard commercial pan comprising:

a bottom panel, and

one or more side walls extending upwardly from the bottom panel, the one or more side walls each having a top edge, the top edge defining a pan top opening; and

a single layer drop-in polymeric pan liner having a pre-formed contour fit disposed within the pan to cover an interior surface of the pan, the contour fit pan liner comprising:

one and only one contoured bottom edge forming a closed bottom end disposed over the pan proximate the bottom panel, wherein the contoured bottom edge does not have dog ears, thereby reducing entrapment of food portions proximate the contoured bottom edge, the contoured bottom edge having one flat bottom edge portion and two contoured edge portions, wherein the flat bottom edge portion is joined and merged at each end with one of the contoured edge portions, and the contoured edge portions extend from the flat bottom edge and are joined and merged at an opposite end with a side wall edge;

two flexible side walls extending upwardly from the bottom end, wherein the side walls and the bottom end generally cover the interior surface of the pan, and

an open top end extending upwardly beyond the pan top opening and being folded over the top edge of the one or more side walls of the pan.

33. The food preparation and service system of claim 32, wherein the pan liner is capable of withstanding a temperature of about 400 degrees Fahrenheit.

34. A food service system, comprising:

a food serving pan comprising:

a bottom panel, and

one or more side walls extending upwardly from the bottom panel, the one or more side walls each having a top edge, the top edge defining a pan top opening;

a drop-in polymeric pan liner comprising a single layer film having a pre-formed bag-shaped body independent of the pan and having a contour fit disposed within the pan to cover an interior surface of the pan, the bag-shaped body comprising:

two flexible side walls each having two side wall edges located at respective ends of the side walls, the side walls joined together at the two side wall edges;

a contoured bottom edge that does not include dog ears, forming a closed bottom end at a junction of the two flexible side walls, wherein the contoured bottom edge has a single substantially linear flat bottom edge portion lying substantially parallel to the bottom panel of the pan when installed therein and two contoured edge portions, each contoured edge portion joining the flat bottom edge portion to a respective side wall edge; and

an open top end, the top end extending upwardly beyond the pan top opening and being folded over the top edge of the one or more side walls of the pan.

35. The food service system of claim 34, wherein the pan liner is capable of maintaining the quality of food that is exposed to heat for an extended period of service time by preventing direct contact with the pan, thereby decreasing moisture loss from the food and preventing the food from baking-on or burning-on the pan.

38. A pan liner system for use in food preparation, comprising:

a pan; and

a pan liner for lining the pan, the pan liner being formed from a polymeric material capable of withstanding a temperature of at least about 400 degrees Fahrenheit, the polymeric material being formed in the shape of a bag having side edges and a contoured bottom edge, the contoured bottom edge having a single substantially linear central edge portion and two contoured edge portions, each of the contoured edge portions extending from a respective end of the single central edge portion and joined to one of the side edges, whereby the contoured edge portions substantially eliminate entrapment of food occurring in corners of bags lacking the contoured edge portions.

39. The pan liner system of claim 38, wherein the polymeric material comprises a nylon resin.

40. The pan liner system of claim 39, wherein the nylon resin comprises nylon.

41. The pan liner system of claim 38, wherein the polymeric material comprises polyester.

42. A food pan liner system, comprising:

a pan; and

a pan liner for lining the pan, the pan liner formed with two polymeric sides meeting at side edges and at a single contoured bottom edge and having open top

edges, the contoured bottom edge having a single central edge portion and two contoured edge portions extending outwardly from each end of the single central edge to meet the side edges, with the polymeric sides bonded together along at least the two contoured edge portions and the side edges.

43. The system of claim 42 wherein the pan liner is made from a polymeric material capable of withstanding a temperature of at least 400 degrees Fahrenheit.

44. The system of claim 42 wherein the pan liner is formed from a single sheet of polymeric material folded at the single central edge portion to define the two polymeric sides.

45. The system of claim 44 wherein the sides of the folded sheet of polymeric material are joined in two continuous bonds, each extending along one of the contoured edge portions and an adjoining one of the side edges.

46. The system of claim 42, wherein each of the contoured edge portions comprises a substantially linear tapered edge.

47. The system of claim 46, wherein the single central edge is substantially linear and intersects each of the tapered edges at an angle determined based on a shape and size of the pan.

48. The system of claim 47, wherein the angle is between about 40 degrees and about 55 degrees.

52. The system of claim 42 wherein dog ear portions adjacent to the contoured edge portions have been removed from the polymeric sides.

53. A food pan liner system, comprising:

pan means for holding food items during preparation or service thereof;

liner means for lining the pan, the liner means formed as a bag comprising two polymeric sides meeting at sealed side edges and having open top edges;

contoured bottom edge means for providing a sealed bottom of the liner means and preventing the collection of food in a corner of the liner means when installed in the pan means, the contoured bottom edge means having a single central edge portion and two contoured edge portions extending from each end of the single central edge portion to meet the side edges.

54. The system of claim 53, wherein the liner means is made from a polymeric material capable of withstanding a temperature of at least 400 degrees Fahrenheit.

55. The system of claim 53, wherein the pan liner is formed from a single sheet of polymeric material folded at the single central edge to define the two polymeric sides.

56. The system of claim 55, wherein the contoured bottom edge means comprises two continuous bonds, each extending along one of the contoured edge portions and an adjoining one of the side edges.

57. The system of claim 53, wherein each of the contoured edge portions comprise a substantially linear tapered edge.

58. The system of claim 57, wherein the single central edge portion is substantially linear and intersects each of the tapered edges at an angle determined based on a shape and size of the pan.

59. The system of claim 58, wherein the angle is between about 40 degrees and about 55 degrees.

63. The system of claim 53 wherein dog ear portions adjacent to the contoured edge portions have been removed from the polymeric sides.

X. Evidence Appendix

Copies of the Supplemental Declaration of Dr. Melvin Druin and the Supplemental Declaration of Timothy Blucher, as filed by applicant on January 28, 2005, are included in this appendix. Entry and consideration of these two supplemental declarations was acknowledged by the examiner at pages 8 and 9 of the Final Office Action mailed February 16, 2005.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	
BLUCHER	Art Unit: 3727
Appl. No. 09/491,639	Examiner: S. Castellano
Filed: January 27, 2000	Atty. Docket: 2102.0010000
For: **Contour Fit Pan Liner for a Food Service Pan**	

Supplemental Declaration Under 37 C.F.R. § 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, the undersigned, Dr. Melvin L. Druin, residing at 105A Woodland Avenue, Avon-by-the-Sea, New Jersey 07717, declare and state as follows:

1. I am founder and President of PolyPlas Development L.L.C. a consulting and contract research and development company serving the plastics packaging industries, including the suppliers of plastics resins, packaging, and end-user processors / packers of plastics packaging for food and beverage use.

2. I have earned and been awarded a Doctor of Engineering degree in Chemical Engineering, a Master of Science degree in Chemical Engineering and a Bachelor of Science degree in Chemical Engineering, all from the New Jersey Institute of Technology.

3. I have about 40 years experience working and teaching in the field of chemical engineering with more than 35 years of that experience specifically working in and consulting to the plastics industry.

4. While working for Celanese Corporation over the years 1967-1984, I held the following positions: Celgard Microporous Films Group Leader, Engineering Resins Technical Manager, Engineering Resins Technical Director, and Plastics Group Technical Director.

5. While working for Campbell Soup Company over the years 1984-1990, I held the following positions: Vice President Packaging, Campbell Container Division; and Vice President Packaging, U.S. Division. In addition, I was elected as a corporate officer in 1988.

6. A curriculum vitae listing my education, industry experience, honors and fellowships, professional affiliations, U.S. Patents, publications, and conferences and publications is appended hereto.

7. Based on my education and experience, I am an expert in plastics including materials, conversion, films, packaging, and food packaging.

8. I understand that the above-identified patent application ("patent application") is owned by M & Q Plastic Products, Inc. ("M&Q") of North Wales, Pennsylvania. I have never been an employee of M&Q. In addition, I have no financial interest in M&Q or in the patent application. I am currently consulting to M&Q on this and other matters. I am being paid for my time for providing such consulting services to M&Q.

9. I have reviewed the patent application, the Office Action dated April 14, 2004, and the pertinent references cited in the Office Action. I have also reviewed independent claims 1, 32, 34, 38, 42, and 53 as currently pending based on the amendment of February 6, 2004.

10. The invention claimed in the patent application relates to the field of food service equipment and supplies. More particularly, the invention relates to the art or field of plastics conversion in the context of food service. Plastics conversion involves converting plastic resin to a film, and converting plastic film to plastic bags. In my opinion, a person of ordinary skill in the art of plastics conversion (referred to hereafter as a "skilled person") would have about 5 to 7 years of experience working for a plastics converter and would have a Bachelor of Science degree in at least one of the following areas: plastics engineering, mechanical engineering, chemical engineering, packaging or industrial engineering. Typically, the work experience would involve applied engineering in which applications for resins and plastic films are sought.

11. The Office Action states that the invention recited in claims 1, 32, 34, 38, 42, and 53 would have been obvious to a skilled person in view of various combinations of U.S. Pat. No. 4,320,699 to Binks, U.S. Pat. No. 3,352,152 to Geigel, U.S. Patent No. 4,759,642 to Van Erden, 2,542,413 to Ibsch, Jr., U.S. Pat. No. 4,828,134 to Ferlanti, and a product brochure from M&Q Plastic Products, Inc. In my opinion, it would not have been obvious to a skilled person to combine the teachings of these documents to reproduce the claimed invention. Detailed support for my opinion is set forth below.

12. An important feature of the claimed invention is the contour fit pan liner, which is formed in the shape of a bag and includes an elegant contour. I describe this contour as "elegant" because of the way that it is implemented.

13. When I first saw an actual sample of the contour fit pan liner, I was presented with a square bottom pan liner (i.e., a bag-shaped pan liner without the contour fit) and the contour fit pan liner. I was puzzled by the shape of the contour fit pan liner. Even through I am well aware of many different bags, liners and food packages including bags that are gusseted to form a flat bottom or to be self-standing, it was not apparent to me why the contour fit pan liner was shaped like it is shaped. It was certainly not obvious to me why this shape was used or what advantages it would have. This is especially true when the pan liner is used in a large, shallow food service pan. Once it was explained to me how the

shape resulted in a contour fit in a food service pan, I then understood and appreciated the importance of the contour fit.

14. It is my opinion that a skilled person would generally be knowledgeable about cooking sheets such as that disclosed by Binks. A skilled person may not have specific knowledge about laminated cooking vessels such as those disclosed by Ferlanti and Ibsch, because such vessels are uncommon.

15. Binks discloses a cooking sheet, but does not disclose a contoured bottom edge. Furthermore, the cooking sheet of Binks is not a bag. It is a flat sheet with no shape separate from that of the pan in which it lies, and therefore does not offer the same advantages or suffer from the food entrapment problem of a bag-type pan liner.

16. Ferlanti and Ibsch disclose laminated vessels which bear little relevance to the bag-shaped pan liner of the invention. Neither Ferlanti nor Ibsch would suggest to a skilled person to line a pan with a liner having a pre-formed bag-shaped body.

17. Ferlanti discloses a cooking vessel having a plurality of nested metal layers. A liquid or TEFLON material is disposed between the metal layers to improve heat transfer. The metal layers of Ferlanti constitute the food-contacting surface or liner. The liquid or TEFLON material is used for heat transfer and does not constitute a liner. Thus, Ferlanti teaches use of metal, not plastic, as a liner.

18. Ibsch discloses a laminated dish. The dish is made from moisture-proofed paper, plastic, or other composition material. Such a dish is for a wholly different application than the present invention. Ibsch is not a liner, and is unsuitable for high temperature use or for cook, serve, and store applications.

19. Regarding the Geigel patent, the disclosure of this patent is not relevant to food packaging or to the goal of providing a "lining." Geigel describes a bag used in industrial packaging. In my experience, this type of packaging process is known as a "form, fill and seal" operation. In the examples described in Geigel, the bags are typically one cubic foot or more and designed to hold 50 to 100 lbs of cement, fertilizer, or other inert materials that may be shipped on a pallet. The bag material described has a 4-15 mil thickness and is not in any way suitable for cooking or storage of food items. These parameters are consistent with what a skilled person would expect in these types of industrial packaging processes.

20. The Geigel patent shows that triangular edge pieces are cut from his bag. I have reviewed the advantages Geigel describes at col. 1, lines 27-32 for this industrial packaging structure. The advantages Geigel suggests in the context of his dry bulk bags include stackability, palletization, and ease of filling and processing. These advantages apply only in an industrial "form fill and seal" operation for these types of products, and would not suggest any utility of this structure to a skilled person working in the field of the Blucher application, food service pan liners.

21. In general, skilled persons in the field of food packaging would not look to the area of industrial packaging, and particularly to the Geigel patent, for a way to improve cooking pan liners. The design of cooking pan liners is unique in terms of the temperature environment and the goals of the liner. In the field of the claimed invention, there is a need to prevent spoilage and migration of the food into or out of the bag material. There is also a need to meet FDA regulatory restrictions, have the liner fit into a food service pan, and a need for convenience features. For all these reasons food packaging is a much more sophisticated area of endeavor than the field of industrial packaging. Industrial packaging has different goals and does not have the same restrictions and requirements as food packaging. Skilled persons in this field recognize that leading edge technology usually comes from the food packaging field. Therefore, skilled persons would not look to industrial packaging to determine how to create an improved food package. Rather, industrial package designers typically look to food packaging for new ideas.

22. Thus, skilled persons in the field of the Blucher application would have no motivation to combine the Geigel structure with Binks, Ibsch, or Ferlanti.

23. In the unlikely event that a skilled person seeking to create an improved food service pan liner had examined Geigel, they would not find enough information to make or use the Blucher invention. Geigel does not suggest using his bag as a lining for anything, and does not suggest how the bag might be fitted into a pan. The Blucher pan liner structure fits into a food service pan in a unique manner that is not suggested by any of the patents cited in the Office Action.

23. The Van Erden patent is similarly irrelevant to the field of the Blucher application. Van Erden relates to packaging of bulky dry products, particularly cereal. Cereal packaging is a specialized field involving synergies between the cereal box and the bag. The cereal box provides protection against breakage in shipping, and establishes a rectangular shape that allows the boxes to be closely packed in cartons for shipping. Also, the cereal box has a significant retail display function. Dry cereals don't look good in bags and won't stand up on shelves in a bag. For all these reasons, it has become conventional in the field of cereal packaging to package cereal in a closed bag inside a box.

24. A skilled person seeking to design an improved food service pan liner would not look to conventions in the design of dry food packaging to find ideas for cooking and liquid or wet food storage. More innovation and development are found in the liquid or wet packaging fields. In the dry bulk packing field, issues such as temperature resistance, chemical resistance, reheating, and migration of food into the packaging materials are never addressed. Thus, skilled persons in this field would tend to dismiss dry food packaging as lacking any solutions to wet food issues. Packages such as that shown in Van Erden do not work for cooking and liquid or wet food storage applications.

25. For the foregoing reasons, skilled persons in the field of the Blucher application would not be motivated to combine the Van Erden structure with any of the Binks, Ibsch, Ferlanti, or Geigel patents in an effort to produce an improved food service pan liner.

26. Even if a skilled person in this field considered Van Erden, the Van Erden disclosure does not provide the information needed to make and use the Blucher invention. Van Erden does not suggest the fit and features of the Blucher liner. Van Erden's bag fits into its carton in a different way, compared to how the Blucher pan liner fits into its pan. Van Erden provides a four-corner bag that is filled with a bulk dry material, in a carton with a narrow bottom. The Van Erden bag never conforms to the shape of the carton in which it is placed. Van Erden's bag has four shaped corners and seals at the top. The primary purpose of Van Erden's design is to provide a reclosable bag that preserves freshness.

27. The M&Q product brochure shows a polymeric cooking bag, but does not suggest having a contour fit to prevent food entrapment.

28. Polyethylene pan liners have been used in the food service industry for more than about 30 years. Because polyethylene cannot withstand temperatures of more than about 100 degrees Celsius, polyethylene pan liners are not used for cooking in a gas or electric oven or on a stove or for reheating or high temperature serving. However, they have seen widespread use for serving and storage. While these polyethylene pan liners suffer from the same food entrapment problem as the high temperature pan liners, I have not seen any pan liner prior to the present invention that had a contour fit.

29. It is my opinion that this long standing deficiency in low temperature pan liners and in the later-developed high temperature pan liner is evidence that the claimed invention would not have been obvious to a person of ordinary skill in the art.

30. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issued thereon.

Respectfully submitted,

Melvin L. Druin

Dr. Melvin L. Druin

Date: Dec. 13, 2004

Dr. Melvin L. Druin - Biography

Dr. Melvin L. Druin is the founder and President of M. L. Druin and Associates and PolyPlas Development L.L.C., both consulting and contract R & D companies, serving the plastics packaging industries (since 1990), including the suppliers of plastics resins, packaging, and end-user processors / packers of plastics packaging for food and beverage use.

He is the founding Executive Director of the Center for Processing of Plastic Packaging at New Jersey Institute of Technology (NJIT). CPP was the first Center in the USA to focus exclusively on the processing and manufacturing of plastics for packaging uses. The Center, with broad based capabilities and expertise in extrusion, injection molding and co-extrusion of multi-layer solid and foamed sheet /thermoformed packaging , provides proprietary-sponsored contract R & D services to member companies

He also currently serves as the Director of Development for the Polymer Processing Institute (PPI) at New Jersey Institute of Technology (NJIT).

Dr. Druin has a Doctorate in Chemical Engineering from NJIT. He has thirty - four years experience as a plastics researcher; senior level industry executive; University Research Professor and University senior level executive; and industrial consultant.

He served as an Officer and Corporate Vice President for Campbell Soup Company, from 1984 - 1990, responsible for the company's worldwide packaging R & D organization. He developed the corporate packaging strategy and positioned Campbell as a leader in developing consumer oriented, functional packaging forms, with a focus on improved and new convenience packaging for shelf stable, frozen and refrigerated food applications .

His packaging organization at Campbell's started-up Campbell's Plastic Center to develop new prototype plastic packaging and was also responsible for developing and implementing new two-piece metal can self-manufacturing, and for technical service support to Campbell's worldwide can operations.

As an expert in plastics technology as well, his organization designed and commercialized Campbell's first CPET plastic food tray manufacturing operation at their Modesto, California Plant. This facility was the largest scale CPET line in the world, producing up to 125 million dual ovenable trays for Campbell's Swanson Frozen Food Division.

Dr. Druin joined Campbell in 1984, after seventeen years with the Celanese Plastics & Specialties Company, where he served as Technical Director of the Plastics Group and Engineering Resins.

At Celanese, he was responsible for a staff of 110, with an expense budget of $10 million, supporting all technical process, product, application and diversification R & D activities in the areas of Engineering Resins (Celcon Acetal Copolymer, PBT, and Nylon 6), High Performance Resins (Liquid Crystal Resins), PET Bottle Resins, Extruded Pipe and Fittings, and Spray Spun Nylon Filter Cartridges. He was responsible for R & D laboratories and associated staffs, located in Summit, New Jersey, Corpus Christi, Texas, and Hilliard, Ohio. In addition Dr. Druin was also responsible for Engineering Resins Technical Service (field technical support functions to the end-users).

At Celanese, he was the co-inventor of Celgard Microporous Film, now commercial with sales exceeding $100 MM, used for specialty medical devices such as, membrane oxygenator s (for open-heart surgery), for skin patches (control and release of drugs into the body) and for high energy battery systems.

Dr. Druin is the inventor of Celanese's manufacturing process for graphite fibers. The business was sold to BASF for $165 million in 1984.

While at Celanese his technical organization developed and supported the commercialization of PETPAC, PET resin for use in carbonated beverage bottles, in 1978, becoming the second supplier, following Goodyear into the marketplace.

General

Dr. Druin is the author of 14 issued U.S. patents in engineering plastics, structural composites, polymer blends, and microporous plastic films. He is also the author of over 35 papers and conference presentations in plastics packaging and plastics materials.

Dr. Druin served on the Board of Trustees of New Jersey Institute of Technology, (NJIT),1988-1996, was a past Chairman of the Board of Trustees of the Plastics Institute of America, and served on the Advisory Committees for the Departments of Chemical Engineering at NJIT, University of Southern Mississippi and Manhattan College.

He was awarded the NJIT Trustee Award, and the NJIT Edward F. Weston Medal for Distinguished Professional Achievement by an Alumnus. He was inducted into the New Jersey Inventor's Hall of Fame in 1992.

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ACCOMPLISHMENTS - SUMMARY

Doctor of Engineering Sciences with thirty two years of technical R & D, and management accomplishments, including fourteen issued U.S. patents in plastic films, engineering resins and composites and the author of over thirty papers and conference presentations in plastics and packaging.

As Campbell Soup Corporate Vice President was responsible for the company's worldwide packaging organization.

At New Jersey Institute of Technology founded and started-up the Center for Processing of Plastic Packaging (CPPP).

Founded M. L. Druin & Associates, (consulting group) and co-founded PolyPlas Development (a contract R & D company), both specializing in packaging systems for food and beverage applications, and advanced plastic materials.

CENTER FOR PROCESSING OF PLASTIC PACKAGING

- As founder and Executive Director of the Center for Processing of Plastic Packaging, the Center is the first in the USA to focus exclusively on the processing and manufacturing of plastics for packaging uses. The Center provides proprietary-sponsored contract R &D services to member companies from the resins, packaging and end-user (food, pharmaceutical, medical, etc.) industries.

M. L. DRUIN & ASSOCIATES / PolyPlas Development

- As founder and President of M. L. Druin & Associates and co-founder and President of PolyPlas Development, established major consulting and contract research & development services in plastics converting and packaging with Dow Plastics, Shell Chemical Co, Goodyear Polyester Division, Walter Dorwin Teague Associates, Inc., Campbell Soup Co., Church & Dwight, Alusuisse / Therma-Plate, Philippines / Micronesia & Orient Navigation Company, Sig Combibloc Inc., Triarc Beverage Group, Sealed Air, and Pepsi Cola

- Provided these companies and others with consulting and contract development services focused on commercial and market development, application and technical development, business strategy development, and new business diversification.

- Identified market / end-user directed packaging opportunities, for a major food and a major beverage company, with bottom line dollar potential of $25 - $100 million.

CAMPBELL SOUP COMPANY

- As Campbell Soup Company Corporate Vice President and head of its worldwide packaging organization, built a packaging technical R & D organization to help Campbell to grow globally and to differentiate its food products with a competitive edge in packaging performance and cost.

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CAMPBELL SOUP COMPANY (Continued)

- Positioned Campbell Soup Company as a leader in developing consumer oriented, functional packaging forms, with a focus on improved and new convenience packaging for shelf stable, frozen and refrigerated food applications.
- Developed and implemented new metal can technology for two piece can self-manufacturing Responsible for technical service and manufacturing support to Campbell's worldwide can operations (produce over 5 billion cans / year for captive use).
- As an expert in plastics technology, designed and commercialized Campbell's first plastic (CPET) container manufacturing operation at their Modesto, CA frozen food plant.
- Developed 5-year Corporate Packaging Strategy that identified packaging savings potential of over $30 MM.
- Established over 60 vendor / material supplier joint development packaging programs with 40 companies in the U. S., Europe, and Japan.
- Set Corporate policies and strategies on packaging and solid waste and on tamper evidence.
- Developed and implemented a New Packaging Development Process for rapidly commercializing new packages: from the ideation or identification stage; through concept development; to package development; to commercialization in Campbell's food plants.
- Started up Campbell's Plastic Center to develop new prototype plastic packaging.

CELANESE PLASTICS & SPECIALTIES COMPANY

- Inventor of Celgard Microporous Film. Scaled-up and started up semi-works. Product now commercial, with sales over $100 MM, in medical and energy applications.
- Basic inventions in Graphite Fibers; scaled-up process; started up first semi-works. Business sold to BASF for $165 million in 1984.
- Developed manufacturing process for PBI monomer; from laboratory through commercial scale.
- Developed two new product lines; PETPAC (PET resin for carbonated beverage bottles) and Hytrex (spay spun Nylon industrial filter cartridges), commercialized in 1978 and 1979, respectively.
- Implemented cost reduction program in Engineering Resins, resulting in cumulative cost savings of $43 MM from 1976 through 1982, with an in-year savings, in 1982 of $13 MM.
- Developed a worldwide Polyacetal Technical Strategy with German and Japanese affiliates.
- Developed and implemented a process of commercializing new plastic products, from the opportunity - identification stage through product / process development to full commercial manufacture and sale.
- Established an Applications Development organization, to broaden and grow the end-use applications of current and newly developed Engineering Resins products.

PROFESSIONAL EXPERIENCE

NEW JERSEY INSTITUTE OF TECHNOLOGY **1994-1997**

Executive Director - Center for Processing of Plastic Packaging (CPPP), Research Professor of Chemical Engineering

Responsible for founding and starting-up CPPP. Responsible for business strategy, financial plans and for identifying and developing major funding sources and Center membership. Responsible for identifying major areas of technical focus.

M. L. DRUIN & ASSOCIATES / POLYPLAS DEVELOPMENT **1990-Present**

President and Founder

Formed M.L. Druin & Associates in 1990 and PolyPlas Development in 1994 to provide technical development, commercial and market development, new business diversification, and strategy development expertise and consulting and technical development services in the areas of plastics converting and packaging and in high performance plastics materials. The latter includes engineering plastics, structural composites, polymer alloys and blends, and speciality mocroporous films.

CAMPBELL SOUP COMPANY **1984-1990**

Vice President Packaging - Corporate Officer (Elected Corporate Officer, 1988)
V.P. Packaging Systems, U.S. Division (1989-1990)
V.P. Packaging, Campbell Container Division (1986-1989)

Responsible for the Corporate Packaging Research & Development function (75 people) servicing worldwide Campbell Soup Company packaging and metal can needs; responsible for the Plastics Packaging Technical Center and Laboratory in Moorestown, NJ, and for all container manufacturing technical service and support. Primary liaison with all Business Units, worldwide. Responsible for approval of all new packaging capital improvements, for U.S. Division.

Responsible for identifying, developing and implementing all new and improved packaging systems. Program management responsibility for all new and modified packaging systems, from concept through commercialization in the plants and including packaging specifications, cost improvements, packaging design, regulations and interface with packaging convertors, equipment vendors and material suppliers.

Director of Packaging Development and the Plastics Center (1984-1986)

Responsible for all packaging development, worldwide, for the Campbell Soup Container Co., and for the Plastics Packaging Technical Center in Moorestown, NJ.

CELANESE PLASTICS & SPECIALTIES COMPANY (CP & SC) **1972-1984**

Technical Director, Plastics Group (1978 - 1984)
Technical Director, Engineering Resins

Responsible for all technical process, product, application and diversification and research activities affecting the Engineering Resins, Piping Systems, Polyester Bottle Resin and

CELANESE PLASTICS & SPECIALTIES COMPANY (Continued). 1972-1984

Technical Director, Plastics Group (1978 - 1984) - (Continued)
Technical Director, Engineering Resins

Hytrex Spray Spun Cartridge Divisions of CP & SC. Primary technical liaison with Marketing and Manufacturing groups and with affiliate partner companies in Europe and Japan. In addition, directed Engineering Resins Technical Service for a two year period.

Responsible for a staff of 110 people with an expense budget of $10 million, including the Engineering Resins Molding and Product Dev. Laboratory in Summit, NJ, the Engineering Resins Process and Manufacturing Development Pilot Operations in Corpus Christi, Texas, and the Piping Divisions Product and Process Laboratory and Hytrex Pilot Plant in Hilliard, Ohio.

Technical Manager, Engineering Resins (1974-1978)

Responsible for all Engineering Resins process and product R & D, Polymer Processing Pilot Plant and New Business Exploration.

Group Leader, Celgard Microporous Films (1972-1974)

Responsible for Celgard microporous film application, product, process development, technical services, and semi-works scale-up, start up and operations.

CELANESE RESEARCH COMPANY 1967-1972

Group Leader, Senior Engineer (1967-1972)

Responsible for Composites / Graphite Fiber basic process and product R & D, technical service and semi-works design start-up and operations. Responsible for microporous film research, new tire cord research and chemicals synthesis and scale-up.

NEW JERSEY INSTITUTE OF TECHNOLOGY 1962-1967

Instructor of Chemical Engineering (1962-1967)

Taught courses in: Computers for Chemical Engineers; Fluid Flow; Heat Transfer; Thermodynamics; and Industrial Organic Chemistry

EDUCATION

D.E.S. in Chemical Engineering, New Jersey Institute of Technology **1968**
M.S. in Chemical Engineering, New Jersey Institute of Technology **1964**
B.S. in Chemical Engineering, New Jersey Institute of Technology **1962**

HONORS AND FELLOWSHIPS

New Jersey Institute of Technology Edward F. Weston Medal for Distinguished Professional Achievement by an Alumnus, May 1993
Inducted into New Jersey Inventor's Hall of Fame, Feb. 1992.

HONORS AND FELLOWSHIPS (Continued)

Outstanding Service Award, NJIT's Educational Opportunity Program, May 1992.
Lupus Foundation of New Jersey Outstanding Service Award, April, 1989.
Leadership Service Award, Plastics Institute of America, April, 1986.
New Jersey Institute of Technology Trustee Award, May 1985.
National Science Foundation Fellowship for Engineering Teachers, Summer, 1964.
DuPont Research Fellowship, Summer, 1966.
Cyanamid Teaching Fellowship, 1962-1964.
Nopco Chemical Co. Scholarship, 1961-1962.
National Science Foundation Research Fellowship at Syracuse University, Summer 1961.

PROFESSIONAL AFFILIATIONS

Board of Trustees of New Jersey Institute of Technology; Appointed by the Governors of NJ, Jan. 1989 to July 1994.

Chairman of the Board of Trustees of the Plastics Institute of America, 1984-1986; Chairman Elect 1983-1984; Member of Board, 1980 - 1990.

Chairman of the Community Advisory Board (CAB) of New Jersey Institute of New Jersey Educational Opportunity Program, 1983-1986; Vice Chairman of CAB, 1980-1983; Member of CAB, 1978-1988.

Chairman of the Advisory Committee of New Jersey Institute of Technology Chemical Engineering Department, 1986; Member of the Advisory Committee, 1981-1987.

Member of the Advisory Committee, University of Southern Mississippi, Chemical Engineering Department, 1977-1978.

Member of the Advisory Committee, Manhattan College Chemical Engineering Department, 1974-1977.

OTHER AFFILIATIONS

Treasurer of the Board of Trustees of the International Enamelist Society, 1997 to present.

President of the Board of Trustees of The Craft Emergency Relief Fund, 1995 to 1997; Treasurer and Member of the Board, Oct. 1991 to 1995.

Vice President, Board of Trustees of Lupus Foundation of New Jersey, 1989 to present; Member of the Board, 1986 to present; Chairman of Corporate Sponsors Program, 1986 to present.

President of First Mountain Crafters, 1974-1975; Board of Trustees 1973 to 1994; Director and co-founder of Co-op Craft Gallery, South Orange NJ, 1980-1990.

PERSONAL

Married; Three daughters; Height 6' 3 "; Weight 210 lbs.

UNITED STATES PATENTS ISSUED

3,679,538, "Novel Open-Celled Microporous Film," July 25, 1972

3,723,150, "Surface Modification of Carbon Fibers," March 27, 1973

3,723,157, "Production of Resin Impregnated Fibrous Graphite Ribbons," March 27, 1973

3,754,957, "Enhancement of the Surface Characteristics of Carbon Fibers," Aug. 28, 1973

3,801,404, "Novel Open-Celled Microporous Film," April 2, 1974

3,853,418, "Safety Support for Use Adjacent to a Vehicular Trafficway," Dec. 10, 1974

3,859,187, "Electrolytic Process for the Surface Modification of High Modulus Carbon Fibers," Jan. 7, 1975

3,865,876, "Synthesis of 3,3' Diaminobenzidine From 3,3' Dichlorobenzidine," Feb. 11, 1975

3,894,884, "Process for the Enhancement of Low Modulus Carbon Fibers, " July 15, 1975

3,920,785, "Process for Increasing the Porosity of Open-Celled Microporous Film," Nov. 18, 1975

3,943,175, "Synthesis of Pure 3,3' Diaminobenzidine," March 9, 1976

4,229,340, "Glass Fiber-Reinforced PET/Nylon Blends," Oct. 21, 1980

4,351,758, "Polyester Blends; Polyethylene & Polybutylene Terephthalate, " Sept. 28, 1982

4,444,931, "Polyester Blends; Smoothness, Gloss," April 24, 1984

PUBLICATIONS

Kreps, S.I., Druin, M.L. , Czorny, B., "Florescence Analysis for Traces of Naphthacene in Anthracene," Analytical Chemistry, Vol. 37, Pages 586-588, April 1965

Kirshenbaum, I., Issacson, R.B., Druin, M.L., "Higher Order Transitions in Poly-3-Methyl-1-Butene and Poly-4-Methyl-1Pentene," Polymer Letters, Vol. 3, Pages 525-528, 1965

Druin, M.L., Kreps, S.I., "Prediction of Viscosity of Liquid Hydrocarbons," I & EC Fundamentals, Vol. 9, Pages 79-83, Feb. 1970

Bierenbaum, H.S., Isaacson, R.B., Druin, M.L., Plovan S.G., "Microporous Polymeric Films," Ind. Eng. Chem., Prod. Res. Develop., Vol. 13, No. 1, Pages 2-9, March, 1974

CONFERENCES AND PRESENTATIONS

Chairman - FoodPlas I Conference, Secaucus, NJ, Feb., 1984
Chairman - FoodPlas II Conference, Secaucus, NJ, Feb., 1985
Chairman - FoodPlas IV Conference, Orlando, FL, Mar., 1987
Chairman - FoodPlas V Conference, Orlando, FL, Mar., 1988
Chairman - FoodPlas VI Conference, Orlando, FL, Mar., 1989
General Chairman - FoodPlas VIII Conference, Orlando, FL, Mar., 1991
General Chairman - FoodPlas IX Conference, Orlando, FL, Mar., 1992

"Summary & Review," presented at FoodPlas I, Secaucus, NJ, Feb., 1984
"Summary & Review," presented at FoodPlas II, Secaucus, NJ, Feb., 1985
"Summary & Review," presented at FoodPlas III, Orlando, FL, Mar., 1986
"Summary & Review," presented at FoodPlas IV, Orlando, FL, Mar., 1987
"Summary & Review," presented at FoodPlas V, Orlando, FL, Mar., 1988
"Summary & Review," presented at FoodPlas VI, Orlando, FL, Mar., 1989

"Future Packaging Challenges," part of executive panel at the DuPont Packaging Forum, NY, NY, Feb., 1987

"Innovations in Plastics Packaging at Campbell Soup Company," presented at FoodPlas IV, and published in the Conference proceedings, Orlando FL, Mar., 1987

"Shelf Stable Soups; Behind the Scenes," presented with Tarr, G. at FoodPlas V, and published in the Conference proceedings, Orlando, FL, Mar., 1988

"An Overview of Packaging and Supplier Interaction and Innovation at Campbell Soup Company," presented at the Plastics Show, and published in the Conference proceedings, Chicago, IL, June, 1988

"Packaging Trends and Needs at Campbell Soup Company," presented at the DuPont Converter Conference, and published in the Conference proceedings, Zermatt, Switzerland, Jan., 1989

"Microwave Packaging at Campbell Soup Company," presented at the Eastern Food Science Conference VI, Food Technology: A View of the Future, and published in the Conference proceedings, Hershey, PA, Oct., 1989

"Facing Solid Waste Issues in the Food Industries," part of an executive panel at Future-Pak '89, Miami, FL. Dec., 1989

"Microwave Packaging at Campbell Soup," presented at the 5th International Conference on Specialty Plastics and Applications, and published in the Conference proceedings, Zurich, Switzerland, Dec., 1989

"What the Green - Conscious Food Processor Wants From Its Packaging Suppliers," presented at EnviroReg '90 Conference, and published in the Conference proceedings, Arlington, VA, Dec., 1990

"What the Green - Conscious Food Processor Needs From Its Packaging Suppliers," presented at the AICHE National Summer Meeting; Session # 14 - Food Industry: Post Consumer Waste, and published in the Conference proceedings, Minneapolis, MN, Aug., 1992

CONFERENCES AND PRESENTATIONS (Continued)

"Food Packaging Development," presented at University of California Food Product Development / Ingredient Technology Workshop, Davis CA, March 17, 1993

"Partnering . . Another Approach to Growing Your Business," presented at Packaging Strategies '93 Conference, and published in the Conference proceedings, Atlanta, GA, April 1, 1993

"New Packaging Technologies," presented at Private Label Manufacturers Association Conference on Packaging & Raw Materials, and published in the Conference proceedings, Cambridge Massachusetts, April 27, 1993

"Packaging Prospects for Post-Consumer Recycled Plastics", presented at Green Packaging '94 Conference, Washington, D.C., June 1-2, 1994

"Competitive Analysis: Tools to Understand your Competition", presented at SPE RETEC How to Thrive in the Leaner Meaner '90s, Ryebrook, NY, October 6, 1994

"Microporous Polymeric Films - Relationship of Membrane Properties to Process & Morphology", Seminar presented at New Jersey Institute of Technology, CHE Dept., Newark, NJ, Nov. 1994

"What's Hot in Plastics Packaging? . . . PET Packaging," presented at AICHE 1995 Fall Lecture Series: Chemical Engineering for the Twenty-First Century, Session # 5, Florham Park, NJ, Oct. 19, 1995.

Chairman - NOVA-PACK '96, The World Congress on Polyester Packaging Innovations for Food and Beverages, Sponsored by Schotland Business Research, Inc., Dusseldorf, Germany, May 7, 8, 1996.

Moderator of End-User Panel, "How are Buyers of PET Packaging Addressing Issues Important to the Success of Their Food and Beverage Businesses", Session 3, May 8, 1996.

Moderator, Contour Cans . . . .Shaping the Future, Sponsored by International Can Industry Council, and Packaging Strategies, Inc., San Francisco, CA, Oct. 23, 1996.

"How the Chemical Revolution in Plastics Will Alter Packaging", presented at Packaging Strategies '97 Conference, and published in the Conference proceedings, Atlanta, GA, April 4, 1997

"CPET and APET Markets, Trends and Applications", presented at Workshop: APET and CPET Sheet Coextrusion and Thermoforming for Food Tray Uses, and published in the Workshop proceedings, New Jersey Institute of Technology, Newark, NJ, Session # 1, May 27, 1997.

" Potential Applications for Barrier CPET . .Myth or Reality", presented at Workshop: APET and CPET Sheet Coextrusion and Thermoforming for Food Tray Uses, and published in the Workshop proceedings, New Jersey Institute of Technology, Newark, NJ, Session # 1 May 27, 1997

CONFERENCES AND PRESENTATIONS (Continued)

"CPET and APET Food Tray Performance Requirements", presented at Workshop: APET and CPET Sheet Coextrusion and Thermoforming for Food Tray Uses, and published in the Workshop proceedings, New Jersey Institute of Technology, Newark, NJ, Session # 2 May 28, 1997

"Estimated Manufacturing Costs for CPET and APET Food Trays Compared to Competitive Trays", presented at Workshop: APET and CPET Sheet Coextrusion and Thermoforming for Food Tray Uses, and published in the Workshop proceedings, New Jersey Institute of Technology, Newark, NJ, May 28, 1997

Chairman - Polyester Packaging: The Critical Path Ahead Conference, Sponsored by Packaging Strategies, Inc., Newark, NJ, May 28-30, 1997.
Moderator of "Packaging User Panel . . . Here's What We Think", Session # 1, May 29, 1997.

" PET Properties and Performance Requirements for Bottles and Food Trays", presented at Polyester Packaging: The Critical Path Ahead Conference, and published in the Conference proceedings, Newark, NJ, Session # 2, May 29, 1997.

" What Drives PET Bottle Pricing", presented at Polyester Packaging: The Critical Path Ahead Conference, and published in the Conference proceedings, Newark, NJ, Session # 2, May 29, 1997.

" Use of Post-Consumer PET in Packaging for Food and Beverage Use", presented at Polyester Packaging: The Critical Path Ahead Conference, and published in the Conference proceedings, Newark, NJ, Session # 2, May 30, 1997.

"New PET Technologies", presented at Becton Dickinson Seminar Series, Franklin Lakes, NJ, June 27, 1997.

" CPET Sheet for Food Applications: Markets and Manufacturing", presented at Film & Sheet 97 Conference, and published in Conference proceedings, Somerset, NJ, Dec. 10, 1997.

CONFERENCES AND PRESENTATIONS (Continued)

Chairman – DRINKPAK' 99, The International Conference on New Developments in Beverage Packaging, Sponsored by Ryder Associates, Inc., and Future-Pak Conferences, Inc., Orlando, Florida, December 1-3, 1999.

Moderator of Packaging User Panel, "What we Need from our Equipment and Materials Suppliers", Session 2, Dec. 2, 1999.

" Is Heat-Set PET Going Down for the Count Versus Aseptic and Extended Shelf Life (ESL) for Filling Juices and New Age Beverages? Is ESL Milk Positioning Itself as a New Age Beverage", presented at DRINKPAK '99, The International Conference on New Developments in Beverage Packaging, and published in the Conference proceedings, Orlando, Florida, Session 2, December 2, 1999.

"The US Market: Current and Future Applications for Aseptic Shelf-Stable and ESL Products in Plastics Containers", presented at DRINKPAK '99, The International Conference on New Developments in Beverage Packaging, and published in the Conference proceedings, Orlando, Florida, Session 2, December 2, 1999.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	
Timothy L. BLUCHER	Art Unit: 3727
Appl. No. 09/491,639	Examiner: S. Castellano
Filed: January 27, 2000	Atty. Docket: 2102.0010000
For: **Contour Fit Pan Liner for a Food Service Pan**	

Supplemental Declaration Under 37 C.F.R. § 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, the undersigned, Timothy L. Blucher, residing at 503 Mininger Road, Souderton, Pennsylvania 18964, declare and state as follows:

1. I am Vice President, Sales & Marketing of M & Q Plastic Products, Inc. ("M&Q") of North Wales, Pennsylvania, which is the assignee of the above-identified patent application.

2. I invented the contour fit pan liner that is the subject of the above-identified application. My duties at M&Q include overseeing marketing of products such as the contour fit pan liner.

3. M&Q sells the contour fit pan liner disclosed and claimed in the above-identified application under the trademark PanSaver®. M&Q identifies the claimed invention for sales purposes by the use of the term "contour fit," "shaped seal," and/or the trademark PanSaver®. In contrast, conventional square bottom products do not have a "contour fit" and are not sold under the trademark PanSaver®. Therefore, any reference in

this declaration and its attachments to "contour fit" pan liners and/or PanSaver® brand pan liners is a reference to the claimed invention.

4. There are six independent claims pending in my application: Claims 1, 32, 34, 38, 42, and 53. Each of these claims encompasses the contour fit pan liners sold by M&Q under the PanSaver® trademark. Therefore, there is a direct nexus between the pending claims and M&Q's line of PanSaver® brand contour fit pan liners.

5. Prior to the introduction of the PanSaver® product with its contour fit feature, M&Q offered only conventional square-bottom pan liners. Many food service managers were resistant to the idea of using a pan liner because food portions became stuck in the corners of conventional pan liners. These food service managers preferred to invest substantial additional effort in cleaning their pans, rather than accept the waste associated with food being trapped in the corners of the conventional pan liners.

6. The introduction of the PanSaver® brand liner with its contour fit feature has been a key factor in overcoming that resistance to the use of pan liners in the food service industry. The increasing use of pan liners since introduction of the contour fit feature has produced substantial savings of time, money, and water and other natural resources required to scrub baked-on food from pan surfaces.

7. M&Q has received both verbal and written testimonials to the benefits of the PanSaver® brand contour fit pan liner. Samples of actual testimonial letters are attached as Exhibit A. As can be seen, the food service industry values the contour fit feature in particular, as well as the other benefits of pan liners that can now be achieved because the contour fit feature solved the problem of wasted food portions. For example, the letter from Luan Westfall, purchasing manager of Das Dutchman Essenhaus, states that "[t]he shape of the liners are better for our use than the square bags because no food collects in the corners and the contour shape adhere to the pans nicer for serving." (sic).

8. As one example of a verbal testimonial to the value of the invention, in October of 2001, I made a product presentation to Handgards, Inc., a major food service distribution company. In a meeting with Handgards' executives and representatives, a Handgards executive asked "How important is the contour fit?" One of his representatives responded immediately saying "It's huge" and noted that the feature (the same feature recited in the pending claims of my application) is "very important to the schools." Since introduction of this inventive product, I and other M&Q representatives have received many similar unsolicited verbal testimonials to the advantages of the contour fit.

9. When purchasing pan liners, some food service managers now issue "approved brand" bid requests specifying the "PanSaver®" pan liner. Similarly, many users now issue "no substitute" bid invitations indicating that *contour fit* pan liners must be provided, to the exclusion of any available substitutes. As further testament to the importance of the contour fit, ARAMARK (the world's largest food service contractor) has selected PanSaver® as the "preferred" and "specified" high temperature liner. This means that ARAMARK managers are not permitted to purchase any other brand of high temperature liner. Issuance of these bid requests and instructions specifying the PanSaver® liner indicates that these users demand the benefits of the claimed invention, even if they have to pay more to receive these benefits. If this feature was not important to these users, I believe that they would seek the lowest price. Instead, they specify that any pan liners they purchase *must* embody the claimed invention. Sixteen samples of these "approved brand" and "no substitute" bid requests, and a notice of the recent ARAMARK specification, are attached as Exhibit B.

10. As a result of increasing industry acceptance and acclamation of the contour fit pan liner, sales have increased continuously since introduction of the contour fit product. Exhibit C is a graph showing sales for the two most popular sizes of PanSaver® pan liners from fiscal 2000 to 2003. After introduction of the inventive product, we observed that sales increased as more food service managers became aware of the advantages of the PanSaver® liner. Therefore, in response to increased sales M&Q has increased its investment in

marketing. Total selling expense for all PanSaver® sizes has increased from $645,501 in fiscal 2000 to $1,766,485 in fiscal 2003. Total selling expense represents marketing and related incentive costs. These costs include salaries, truck and auto expense, entertainment, advertising, commissions, product development, travel, trade show expense, and other miscellaneous selling expenses.

11. Due to market demand for the contour fit feature, M&Q now makes square-bottom liners for only one customer. M&Q's sales of conventional pan liners have fallen off since introduction of the PanSaver® brand liner with the contour fit feature. On information and belief, by 2003 M&Q's sales of conventional liners in fiscal 2003 had fallen to a level on the order of $30,000, and sales of the inventive PanSaver® brand liners have increased to a level on the order of $2.24 million for fiscal 2003. PanSaver sales for fiscal '04 were $3,005,609.11 which represents an approximate 43% increase over fiscal '03.

12. As shown in Exhibit C, as an example, sales of the two most popular PanSaver® sizes grew from approximately $128,000 in 2000 to $927,000 in fiscal 2003. Thus, sales of these exemplary sizes have increased by over 600% while, during the same period, marketing expenses have increased less than 200%. Thus, increased sales have been proportionately greater than any increases in marketing budgets. We can conclude that the success of the PanSaver® product is a result of its inventive features that are desired by the market, not merely increased marketing efforts.

13. It is extremely difficult for a single product company to get a product into "broad line distributors (BLD's)" such as : SYSCO, U.S. Foodservice, and the like. This difficulty arises because (a) the BLD's purchasing staff does not have the resources (time) to deal with one company for each product; (b) it is expensive for the BLD to "set-up" a new vendor; and (c) setting up a new vendor for a single product line is seldom cost effective. For this reason, re-distributors have been successful in the foodservice industry. Competitors such as FoodHandler, Handgards, and Pak-Sher have varied product lines including hundreds of SKU's (stock keeping units or different products). Adding SKU's to

these existing vendors is easy for the BLD's. Thus the BLD's seldom consider single product venders. If a single product is added to a BLD's offering, it is generally added through a re-distributor. However, as a testament to the strength and commercial success of the PanSaver® line, the PanSaver® product (i.e. a single product line) is distributed through the following BLD's: SYSCO, US Foodservice, GFS, Reinhart, Daydots, Calico Industries, XPEDX, and Bunzl. Additionally, PanSaver® products are distributed through approximately 100 regional distributors and specialty distributors.

14. The inventive PanSaver® product has spawned three competitors: FoodHandler, Handgards, and Pak-Sher. M&Q and these other three companies account for substantially all of the U.S. market for high temperature food service pan liners. M&Q manufactures the Pak-Sher products and made products for Handgards in 2003. FoodHandler announced their 2003 sales volume in sales correspondence (attached as Exhibit D). The industry-wide sales figures for 2003 are therefore believed to be as follows:

COMPANY	MFG. SOURCE	'03 SALES (cases)	MARKET SHARE	CONTOUR FIT
M&Q PanSaver®	M&Q	110,947	81.53%	YES
FoodHandler	KNF Flexpack	15,000[1]	11.02%	NO
Handgards	M&Q	5,300[2]	3.89%	NO
Pak-Sher	M&Q	4,835[3]	3.55%	NO

15. Prior to 2000, there were no contour fit (PanSaver® brand) liners, and the traditional flat bottom liners held a 100% market share. As demonstrated by the above total market figures, the invention embodied in the PanSaver® product was rapidly embraced by the industry. Within four years of its introduction, the claimed invention has taken over 80% of the U.S. market for high temperature food service pan liners, and sales continue to increase at a rapid rate.

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[1] Sales figure taken from FoodHandler sales correspondence (attached as Exhibit D).
[2] Sales figure for M&Q product manufactured and sold to Handgards in 2003. On information and belief, Handgards did not sell an appreciable volume of non-M&Q ovenable liners in 2003.
[3] From M&Q records. M&Q is Pak-Sher's sole source for ovenable liners.

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issued thereon.

Timothy L. Blucher

Date: 4/27/05

The Dutch Corporation
240 U.S. 20
P.O. Box 1217
Middlebury, IN 46540
PH: 219-825-9471
TF: 800-455-9471
FX: 219-825-0455
www.essenhaus.com

To Whom it May Concern:

As a customer of PanSaver®, I would like to write this letter as a testimonial to encourage others to use PanSaver® liners. I would like to share with as many skeptics- that the liners really do what they say they will do, they save MONEY!!!

The PanSaver® liners have helped us to reduce the labor cost in scrubbing and soaking baked on pans, as well as reducing cost of utilities such as hot water, grease in traps, soap, scrubbies and the like. The morale of our kitchen staff is better because no one has to scrub dirty pans! The shape of the liners are better for our use than the square bags because no food collects in the corners and the contour shape adhere to the pans nicer for serving.

I would recommend that anyone should use the PanSaver® high temperature liners and see the differences yourself.

Very truly yours,

Luan Westfall

Luan Westfall
Purchasing Manager
Das Dutchman Essenhaus

Trinity
Children and
Family Services

To: Carl Hacket, M & Q Plastics
From: Jay Duman, Food Service Manager, Trinity CFS
October 2, 2003

Dear Carl,
Recently you requested testimonials from various user groups.
At our kitchen supervisors meeting yesterday, I had each supervisor write a testimonial for using "Pan Savers".

Wilma Dennington from Trinity CFS Yucaipa writes: Pan Savers are useful in helping keep grease off of the pans. Your eggs don't turn green. Helps keep heat in pans.

Carrie Roelle from Trinity CFS Whitewater writes: We love the Pan Savers because it makes clean up easy, easy, easy. Helps to keep eggs from turning green. Helps keep meat & food from burning.

Pat Johnston from Trinity CFS Corona and interim supervisor for Trinity CFS Apple Valley writes: I have been using Pan Savers for two years. In that time it has saved my crew countless hours of labor from scrubbing pans. I've also found that it is excellent for steaming vegetables and keeping food hot.

Adella Perez from Trinity CFS El Monte writes: We use the Pan Savers for every meal, makes cleaning of pans easier, no scrubbing.

Denis Pisani from Trinity CFS Anza writes: Pan Savers that I use will help me and my staff to get the job done better so we can deal with more important issues. It is a very good item for food service.

Hope these are helpful.

Thanks,
Jay Duman

Shriners Hospitals for Children

September 8, 2003

Ms. Connie Jacobe
M & Q Plastic Products
1120 Welsh Road, Suite 170
North Wales, PA 19454

Dear Connie:

As Director of Nutrition Services, and Chef at Shriner's Hospital for Children, Lexington, KY, I would like to tell you about the savings that PanSaver® liners bring to our hospital. After seeing them at the Somerset Foodservice food show, I realized that they are great for storage, aide in cleanup and are even more sanitary -but our utility bill savings is amazing! In our city, an establishment would be charged additional on their water bill or could be fined if their total suspended solids were above specified limits. Before using PanSaver®, we were notified that we were in excess of that limit. When we started using PanSaver®, we found that we are now well below our allowed solid limits. Quite a remarkable difference, and huge cost saving!

We have noticed ease of dishwashing, benefits in storage, reduced plumbing and utility bills and overall improvement in our kitchen practice. I would recommend PanSaver® to anyone!

Thanks to PanSaver®!

Very truly yours,

Chef John Arnold,
Director of Nutrition Services

1900 Richmond Road - Lexington, KY 40502-1298
606/266-2101 - 606-268-5636 Fax - www.shrinershq.org

ELCO School District Food Service
180 ELCO Drive
Myerstown, PA 17067
717-866-7447 ext. 2009

Pansavers have been an excellent time saver when cleaning up messy pans and they have been helpful in storing leftover. The café staff found if they put the leftover in the pan that it was going to be reheated, but first line the pan with the pansaver and then froze it over night they could remove the leftover in a frozen block .The contour shape of the bag helped keep a uniform shape. The leftover is labeled and stored for later use. When the leftover was needed it could be pulled from the freezer put in the correct pan and thawed or put directly in the steamer for reheating. Results were: pans were always available for daily use, and cut down on need for leftover containers that store poorly in the freezer. Pansavers freeze into these neat square units that stack compactly in the freezer.

Pat Dooley

To: All Authorized ARAMARK Distributors
From: **RONDA M. ANDRULEVICH**
Subject: New Specified Product –
M&Q Plastics (PanSavers –High Temperature Plastic Pan Liners)
Date: November 4, 2004

ARAMARK is pleased to announce that M & Q Plastics has been chosen as our new specified supplier for PanSavers – high temperature plastic pan liners. This new specification includes all lines of business and will be effective with the beginning of ARAMARK Fiscal Period 03 (November 27, 2004).

PanSavers are high temperature (400*F) plastic pan liners that are made from food grade resin and are designed to help managers decrease labor, food and operational costs. They are available in a variety of sizes and are safe to use in the oven, microwave, slow cooker or steamer.

ARAMARK will accept the M&Q Plastics brand label only.

As with all Specified Products, Distributors are requested to do the following:

- Please remove all competitive items from ARAMARK order guides. All high temperature plastic pan liners should be defaulted to M&Q Plastics PanSavers.
- Ship only M&Q brand products when high temperature plastic pan liners are ordered by ARAMARK locations.
- As with all sales of products to ARAMARK locations, please report sales of M&Q Plastics products through ARATRACK.

M&Q Plastics is committed to assisting our Operating Management with this new specification. Should you have any questions or need additional information, please call Timothy Blucher (Vice President – Sales & Marketing) at 267-498-4024 or via email at tblucher@mqplasticproducts.com. You are also encouraged to contact your Regional Distribution Manager at the ARAMARK Tower with additional questions.

cc: All Authorized SCM CC's

MOUNTAINEER HIGHLANDS COOPERAT
1201 North 15th Street
Clarksburg, WV 26301

BIDDERS NAME M30 PLASTIC PRODUCTS

SECTION E

BID #2004- MHC F&S-1 PAPER & CLEANING SUPPLIES
AUGUST 11, 2003 - AUGUST 6, 2004

EXTENDED TOTAL FOR THIS SECTION $10,216.75 ~~$0.00~~

SECTION E ITEM DESCRIPTIONS	APPROVED BRANDS VENDOR PACK & CODE #	BID UNIT	ITEM COST	FIXED FEE	COST & FEE	EST UNITS	EXTENDED COST
ABBREVIATIONS: CN=CHILD NUTRITION LABEL; M/MA=MEAT/MEAT ALTERNATE; B/BA=BREAD/BREAD ALTERNATE;							
E425 Plastic SPOONS, WRAPPED, MED MEDIUM weight; polypropylene 6-3/8 inch; 1,000/cs	Dispozo P1003-WR How Packed? Vendor Code #	case			0.0000	751.00	0.00
E426 Plastic FORKS, WRAPPED, MED weight; polypropylene 5-1/2 inch; 1,000/case	Dispozo P1001-WR How Packed? Vendor Code #	case			0.0000	781.00	0.00
E427 Plastic FORKS, WRAPPED, HVY weight; polypropylene; 5-1/2 inch; 1,000/case	Dispozo S1001-WR Dbde FH 23 How Packed? Vendor Code #	case			0.0000	194.00	0.00
E428 Plastic KNIVES, WRAPPED, MED. weight; polypropylene; 5-1/2 inch; 1,000/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	59.00	0.00
E429 Plastic FORK/KNIFE/SPOON, MED WRAPPED MEDIUM weight; polypropylene; 1,000/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	33.00	0.00
E450 Table covering,roll, paper Embossed net strength, white 39 inch x 300 feet/roll	Distributor's choice How Packed? _____ Vendor Code # _____	roll			0.0000	22.00	0.00
E454 Pan liners, for 400 degree F; 4 IN DEEP polymeric liner has a pre-formed contour fit to fit interior of steam table pans; NSF certified; 100 ct	M & Q Plastics, How Packed? 100 COUNT BOX Vendor Code # 42001	100			0.0000 $38.90	166.00	0.00 $6,457.70
E454 Pan liners, for 400 degree F; 4 IN DEEP polymeric liner has a pre-formed contour fit to fit interior of steam table pans; NSF certified; ~~400~~ 50 ct	M & Q Plastics, How Packed? 50 COUNT BOX Vendor Code # 42002	~~400~~ 50 CT			0.0000 $22.35	161.00	0.00 $3,759.35
E456 Paper towels, household 2 ply, embossed; 11x9 sheets; 30/90's	Ft James 273-85 How Packed? _____ Vendor Code # _____	case			0.0000	155.00	0.00
E457 Towels, food service disposable wiping and sanitizing towels; 13"x24"; 150/cs	Ft James 294-16 How Packed? Vendor Code #	case			0.0000	29.00	0.00
E458 Trays, FOAM, HINGED LID,3 LGE. compartment, large 9-1/4 x 9-1/4 x 3 inch, 200/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	289.00	0.00
E460 Trays, FOAM, HINGED LID,3 MED compartment, medium 8-1/8 x 8-3/8 x 3 inch, 200/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	81.00	0.00
E461 Trays, FOAM, 5 compartment 9"x10"; 500/cs	Distributor's choice How Packed? Vendor Code #	case			0.0000	720.00	0.00
E462 Trays, FOAM, 6 COMPARTMENT school lunch; double laminated; 500/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	920.00	0.00
E463 Trays, FOAM, 1 compart. HINGED 200/cs	Distributor's choice How Packed? Vendor Code #	case			0.0000	20.00	0.00

Bacon County School System
SY 2003-2004

	SECTION IV: MISCELLANEOUS ITEMS	Approved Brand	Bid Unit	Bid Price	Stock Number	Brand Bid
E985	FORKS, WINDSOR PATTERN, Stainless Steel , medium weight state pack		DZ			
E986	SPOONS, WINDSOR PATTERN,Stainless Steel , medium weight state pack		DZ			
E990	STERNO, canned heat	Candle Corp.	72/Case			
E1000	Steamtable Pan Liners size 12x20x4 Full Pan (Med.)	M&Q Plastics "Pan Savers"	100/Box			
E1001	Steamtable Pan liners size: 12x20x21/2 Full Pan (Shallow)	M&Q Plastics "Pan Savers"	100/Box			
E1002	Steamtable Pan liners: size 12x20x6 Full Pan (Deep)	M&Q Plastics "Pan Savers"	50/Box			

Bid Information

Bid No: 766
Bid ID: 657
Desc: Re-Bid-partial
Supplier:
Bid Period Start: 07-JUL-03
Bid Period End: 31-OCT-03
Group: PAPER / PLASTIC

Issued By: Long Island School Food Service Directors Assoc
Status: ISSUED

Issue Date: 13-JUN-03
Due Date: 27-JUN-03
Scheduled Open: 27-JUN-03
Date Opened:
Award Date: **By:**

Item Group	Item No	PLU/SKU	Product	Bid Quan	Bid Unit	Desired Supplier Pack (Storage Unit)	Supplier Pack Price (Reg Cash Price)	Est Units Per Supplier Storage Unit	Bid Price	Supplier Pack No.	Supplier Pack
1-General-Cleaning Supplies	9	40121	Towels, HANDIWIPES 13 x 19, Handiwipes or equal *Acceptable Brands:*	6,960	EACH	CASE			*Brand:*		
	9		**Items in Group**								
2-General-Paper/Other	10	40201	Aprons Ltwt, Plastic, Full size *Acceptable Brands:*	120	HUNDRED	CASE			*Brand:*		
	11	40204	Doilies, 12: paper *Acceptable Brands:*	170	HUNDRED	CASE			*Brand:*		
	12	40212	Napkins, 13 x 13 napkins *Acceptable Brands:*	324	THOUSAND	CASE			*Brand:*		
	13	40214	Napkins, Formal White, 15 x 17, 2 ply *Acceptable Brands:*	32	THOUSAND	CASE			*Brand:*		
	14	40723	PAN SAVERS BY PAN LINERS 34X12 PAN LINERS *Acceptable Brands:*	1,650	EACH	CASE	CASE PRICE (100 CT) $42.20		.42¢ ea. *Brand:* Pan Savers * $42.20/100 ct CASE	42001	100 CT
	15	40221	Pan, Alum, Disposable, Full size, 4 deep Pan, Alum, Disposable, Full size, 4 deep *Acceptable Brands:*	1,700	EACH	CASE			*Brand:*		

Item #	DESCRIPTION	Unit / Size Brand Name	Total Qty	As Specified Unit Price	As Specified Total Cost	As Specified Brand Name/Item #	Alternate Unit Price	Alternate Total Cost	Alternate Brand Name/Item #
96	**TERRY TOWELS**	dozen	2						
cotton terry		15" x 25"							
White with colored stipes		Calico DT4							
97	**TERRY TOWELS**	dozen	39						
cotton terry		16" x 27"							
White		Calico DT4W							
98	**PAN LINERS**	100/box	47						
High temp (+400 F) cooking liner, FDA registered, -100 F to +400F temp range		Full pan, shallow & medium							
Pan depth 2.5" & 4", pan 20.8" x 12.8"		PanSaver M & Q Plastics							
99	**PAN LINERS**	50/box	27						
High temp (+400 F) cooking liner, FDA registered, -100 F to +400F temp range		Full pan, deep							
Pan depth 6", pan 20.8" x 12.8"		PanSaver M & Q Plastics							
100	**PAN LINERS**	100/box	2						
High temp (+400 F) cooking liner, FDA registered, -100 F to +400F temp range		Half pan, shallow							
Pan depth 2.5", pan 10.4" x 12.8"		PanSaver M & Q Plastics							
102	**BAGS, PLASTIC**	2000/case	2						
High density unprinted, heatable up to 200 F		6-1/2" x 7"							
Hand guard baggies		Sysco 8483737							

COUNTRY ROADS COOPERATIVE
400 NEVILLE STREET
BECKLEY, WV 25801

BIDDERS NAME _____

SECTION A
MAIN DISH, FROZEN FDS, CANNED,
STAPLES, SPICES, PORTION PACK
SELECTED PIZZA & SMALL WARES
PAPER SUPPLIES

BID # 2004-01 CN
AUGUST 11, 2003 - AUGUST 6, 2004

EXTENDED TOTAL
THIS FOR SECTION $0.00

	SECTION A MAIN DISH	APPROVED BRANDS VENDOR PACK & CODE #	BID UNIT	ITEM COST	FIXED FEE	COST & FEE	EST UNITS	EXTENDED COST
LOW DENSITY CAN LINERS - E325-E328								
E325	Liners, CAN, 33 GAL. (33x39) LOW density; static load dry 30#; wet-25#; star sealed bottom; 1.7 MIL; 250/case	Distributor's choice How Packed? Code #	case			0.0000	27.00	0.00
E326	Liners, CAN, 45 GAL. (40x48) LOW density; static load dry 40#; wet-25#; star sealed bottom; 1.7 MIL; 250/case	Distributor's choice How Packed? Code #	case			0.0000	41.00	0.00
E327	Liners, CAN, 56 GAL (43x48) LOW density; static load dry 40#; wet-30#; star sealed bottom; 1.7 MIL; 250/case	Distributor's choice How Packed? Code #	case			0.0000	82.00	0.00
E328	Liners, CAN, 60 GAL. (38x60) LOW density; static load dry 40#; wet-30#; star sealed bottom; 1.7 MIL; 200/case	Distributor's choice How Packed? Code #	case			0.0000	549.00	0.00
E330	Napkins,9x13 Ft Howard dispenser white; 1 ply; 8,000/cs	Distributor's choice How Packed? Code #	1,000			0.0000	1,152.00	0.00
E331	Napkins,13x13 OR 13x12 dispenser white; 1 ply; 6,000/cs	Distributor's choice How Packed? Code #	1,000			0.0000	1,722.00	0.00
E333	Napkins JR. 7x13.5inch, dispenser white; 1 ply; tallfold dispenser 10,000/cs	Distributor's choice How Packed? Code #	1,000			0.0000	2,020.00	0.00
E340	Pan liners, for 400 degree F;4 " DEEP polymeric liner has a pre-formed contour fit to fit interior of steam table pans; NSF certified; 100 ct	M & Q Plastics, How Packed? _____ Vendor Code # _____	100			0.0000	500.00	0.00
E341	Pan liners, for 400 degree F; 6" DEEP polymeric liner has a pre-formed contour fit to fit interior of steam table pans; NSF certified; 100 ct	M & Q Plastics, How Packed? _____ Vendor Code # _____	100			0.0000	500.00	0.00
E365	Plates, FOAM, 6 in. laminated, round, white 1,000/case	Distributor's choice How Packed? Code #	case			0.0000	218.00	0.00
E368	Plates, FOAM, 9 in. laminated, round, white 500/case	Distributor's choice How Packed? Code #	case			0.0000	338.00	0.00
E375	Plates, 9 inch, hard plastic 500/cs	Distributor's choice How Packed? Code #	case			0.0000	99.00	0.00
E425	Plastic spoons, WRAPPED, HVY weight; polypropylene 6-3/8 inch; 1,000/cs	Distributor's choice How Packed? Code #	case			0.0000	572.00	0.00
E426	Plastic forks, WRAPPED, HVY weight; polypropylene 5-1/2 inch; 1,000/case	Distributor's choice How Packed? Code #	case			0.0000	394.00	0.00
E428	Plastic KNIVES, WRAPPED, HVY weight; polypropylene; 5-1/2 inch; 1,000/case	Distributor's choice How Packed? Code #	case			0.0000	6.00	0.00
E451	Straws milk, wrapped, SLIM plastic; 5-3/4 inch; 24/500	Distributor's choice How Packed? Code #	case			0.0000	31.00	0.00

2001 McCOY ROAD
HUNTINGTON, WV 25701

MAIN DISH

BIDDERS NAME M3Q PLASTIC PRODUCTS

BID # CN 1-2004
SEPTEMBER 29, 2003 THRU SEPTEMBER 27, 2004

EXTENDED TOTAL THIS FOR SECTION $9,143.00 ~~$0.00~~

BID #	ITEM DESCRIPTIONS	APPROVED BRANDS VENDOR PACK & CODE #	BID UNIT	ITEM COST	FIXED FEE	COST & FEE	EST UNITS	EXTENDED COST
	LOW DENSITY CAN LINERS - E325-E328							
E326	Liners, CAN, **45 GAL** (40 x 48) LOW density; static load dry 40#; wet-30#; star sealed bottom; 1.7 MIL; 250/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	210.00	0.00
E328	Liners, CAN, **60 GAL** (38 x 60) LOW density; static load dry 40#; wet-30#; star sealed bottom; 1.7 MIL; 200/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	1,210.00	0.00
E330	**Napkins**, 9 X 13; low fold dispenser; white; 1 ply; 8,000/cs **SIZE/TYPE REFERENCE ONLY** Ft James Acclaim 39201; TIDYYNAP Low- Fold Dispenser Napkin	Distributor's choice How Packed? Vendor Code #	1,000			0.0000	2,680.00	0.00
E331	**Napkins**, Tall fold dispenser; 7.5" X 13.5" white; 1 ply; 10,000/cs **SIZE/TYPE REFERENCE ONLY** Ft James Acclaim 33201; HYNAP Tall Fold Dispenser Napkin	Distributor's choice How Packed? Vendor Code #	1,000			0.0000	3,440.00	0.00
E332	**Napkins**, Mini Fold Dispenser 11 3/4" X 6 1/4" white; 1 ply; 6,000/cs **SIZE/TYPE REFERENCE ONLY** FtJames Acclaim 37000;MINI-MORNAP Mini Fold Dispenser Napkin	Distibutor's choice How Packed? Vendor Code #	1,000			0.0000	1,458.00	0.00
E333	**Napkins**, quarter-fold; 11 3/4" X 12.5" white; 1 ply; 6,000/cs	Distibutor's choice How Packed? Vendor Code #	1,000			0.0000	2,964.00	0.00
E456	Pan liners, for 400 degree F; 4 IN DEEP polymeric liner has a pre-formed contour fit to fit interior of steam table pans; NSF certified; 100 ct	M & Q Plastics, How Packed? 100 ct. Vendor Code # 42001	100			0.0000 $38.90	145.00	0.00 $5,640.50
E457	Pan liners, for 400 degree F; 6 IN DEEP polymeric liner has a pre-formed contour fit to fit interior of steam table pans; NSF certified; ~~100~~ ct 50 ct. TP	M & Q Plastics, How Packed? 50 ct. Vendor Code # 42002	~~100~~ 50 ct TP			0.0000 $23.35	150.00	0.00 $3502.50
E365	Plates, FOAM, 6 in. **ROUND** laminated, round, white 1,000/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	135.00	0.00
E368	Plates, FOAM, 9 in. **ROUND** laminated, round, white 500/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	1,391.00	0.00
E370	Plates, FOAM, **OVAL**, 7" x 9" laminated, white; 500/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	55.00	0.00
E372	Plates, FOAM, 9 in. **COMPARTMENT** laminated, round, white 500/case	Distributor's choice How Packed? Vendor Code #	case			0.0000	773.00	0.00

REGIONAL EDUCATION SERVICE AGENCY VIII
190 S. College St.
Martinsburg, WV 25401

PAPER AND CLEANING PRODUCTS

BIDDER_____

BID NO 104-02F BID_A2104
November 3, 2003 - March 2, 2004

REGION I

Grant, Hampshire, Hardy, Mineral, and Pendleton

	APPROVED BRANDS	VENDOR PACK	VENDOR BRAND & #	BID UNIT	EST.# UNITS	UNIT COST	EXTENDED COST
E332 Napkins, 12 x 17 white, 1 ply; 6,000/cs	Fort Howard Mornap 374001;			case	63		
E333 Napkins JR. 7 x 13.5 (dispenser) white, 1 ply; tallfold dispense 10,000/cs	SAMPLE REQUIRED			case	53		
E334 Napkin, 1 ply. 12 1/4 x 12, not dispenser type, table luncheon type, 6,000/cs	SAMPLE REQUIRED			case	5		
E335 High temperature nylon PAN LINERS for baking; will withstand 500 degree temperature; has nylon properties; 20.8" x 12.8"; 2.5" deep; 100/box	PanSaver SAMPLE REQUIRED			box	12		
E336 High temperature nylon PAN LINERS for baking; will withstand 500 degree temperature; has nylon properties; 20.8" x 12.8"; 6" deep; 100/box	PanSaver SAMPLE REQUIRED			box	8		
E368 Plates, FOAM 9 in Non-laminated, round, white 500/case	Packer			case	3		
E425 Silverware, plastic spoons WRAPPED, med weight; polyethylene white; 6-3/8 inch; 1000/cs	Packer			case	56		
E426 Silverware, plastic forks WRAPPED, med weight; polyethylene white; 5-1/2 inch; 1000/cs	Packer			case	49		
E427 Silverware, plastic knives WRAPPED, med weight; polyethylene white; 5-1/2 inch; 1000/cs	Packer			case	16		
E451 Straws, milk, wrapped, SLIM plastic, wrapped, 5-3/4 inch 12,000/cs	Packer			case	24		
E452 Straws, JUMBO, wrapped 7 3/4"; 12,000/cs	Packer			case	33		
E456 Paper towels, household 2 ply, embossed; 11 x 9 sheets; 30/100's	Bounty Brawny			case	38		
E457 Towels, food service disposable wiping 17" x 17"; 100/cs	Packer			case	2		
E458 Trays, FOAM, HINGED LID, 3 LGE. Compartment, large 9-1/4 x 9-1/4 x 3 inch, 200/case	Packer			case	40		
E462 Trays, FOAM, 6 COMPARTMENT school lunch; double laminated; 500/case	Packer			case	99		

BID_E2

ITEM	SPECIFICATIONS	PURCHASE PACK/ APPROVED BRANDS	PUR UNIT	QTY REQ'D BID UNIT	BID NUMBER 367367 PACK BRAND BID CODE BID	BID UNIT PRICE
64060018	CUPS, SOUFFLE, PLASTIC 1 OZ PLASTIC, 1 OZ. SIZE. 2,500 PER CASE. STATE NO. OF SLEEVES PER CASE BEING OFFERED: _____ DELIVERY DATES 08-18-03 75 CASE 01-07-04 75 CASE	1/CASE SOLO P100 FABRIKAL PC 100 DART 100P SWEETHEART 115 OR EQUAL	CASE	150 CASE	_____ _____ _____	_____
64060025	PANSAVER, LINER, 34X12X2.5 HOTEL SIZE 34X12X2.5 SHALLOW 1/1 GN DELIVERY DATES 08-15-03 100 BOX 12-05-03 25 BOX	100 PER BOX 1/BOX M & Q PACKAGING	BOX	125 BOX	100 ct. Box PanSaver 42001	$38.90

U.S. Foodservice
Award Catalog and Product Information for 2003-2004

Bid No.	Description	Brand	Case Pack	Dist. Code #	Mfg. Code #	Bid Unit	Unit Price	Case Price	Serving Size	MMA (oz.)	BG (serv.)	VF (cup)
GB01	Drink, Mix, Powdered (Cherry)	First Quality	12/24 oz.	4379335	461904	each	0.9442	11.33	N/A			
GB02	Drink, Mix, Powdered (Grape)	First Quality	12/24 oz.	3247970	461906	each	0.9442	11.33	N/A			
GB03	Drink, Mix, Powdered (Lemonade)	First Quality	12/24 oz.	4247979	461901	each	0.9442	11.33	N/A			
GB04	Drink, Mix, Powdered (Orange)	First Quality	12/24 oz.	5247952	461902	each	0.9442	11.33	N/A			
GB05	Drink, Mix, Powdered (Tropical Punch)	First Quality	12/24 oz.	5247978	461914	each	0.9442	11.33	N/A			
GB06a	Juice Drink, Canned (Kiwi)	Very Fine	24/11.5 oz.	5242995	97404	each	0.2892	7.10	N/A			
GB06b	Juice Drink, Canned (Orange)	Very Fine	24/11.5 oz.	3273653	94904	each	0.2958	7.10	N/A			
GB06c	Juice Drink, Canned (Fruit Punch)	Very Fine	24/11.5 oz.	9377243	93704	each	0.2958	7.10	N/A			
GB06d	Juice Drink, Canned (Lemonade)	Very Fine	24/11.5 oz.	5288873	95004	each	0.2958	7.10	N/A			
GB06e	Juice Drink, Canned (Grape)	Very Fine	24/11.5 oz.	8289068	94104	each	0.2958	7.10	N/A			
GB06f	Juice Drink, Canned (Blue)	Very Fine	24/11.5 oz.	7377245	91204	each	0.2892	7.10	N/A			
GB08a	Juice, 100% Ready to Serve (Apple)	Thirster	12/46 oz.	5327762	131214	46 oz	1.1500	13.80	FBG			
GB08b	Juice, 100% Ready to Serve (Pineapple)	Dole	12/46 oz.	2006625	00808	46 oz	1.2490	14.99	FBG			
GB09a	Juice, 100%, Individual (Apple)	Blue Bird	48/6 oz.	8013179	00016	each	0.2530	12.15	FBG			
GB09b	Juice, 100%, Individual (Grape)	Blue Bird	48/6 oz.	3013182	00031	each	0.3200	15.46	FBG			
GB09c	Juice, 100%, Individual (Orange)	Blue Bird	48/6 oz.	3015864	00006	each	0.2504	12.02	FBG			
GB10a	Juice, Citrus Punch (California)	Sunny Dlite	24/6.75 oz.	8274904	68035	each	0.2683	6.44	N/A			
GB10b	Juice, Citrus Punch (Florida Citrus)	Sunny Dlite	24/6.75 oz.	7266414	68034	each	0.2683	6.44	N/A			
GB10c	Discontinued	Sunny Dlite	48/6.75 oz.	6275374	68040	each	0.2722	13.07	N/A			
GB11a	Unavailable	Gatorade	24/10 oz.	3292034	10003	each	0.3871	9.29	N/A			
GB11b	Unavailable	Gatorade	48/12 oz.	5292032	10004	each	0.3874	9.29	N/A			
GB12a	Sport Drink, Twist Top, Elem Pack (Berry)	Gatorade	48/12 oz.	2401743	12480	each	0.3870	18.58	N/A			
GB12b	Sport Drink, Twist Top, Elem Pack (Strawberry)	Gatorade	48/12 oz.	4401741	12481	each	0.3870	18.58	N/A			
GB12c	Sport Drink, Twist Top, Elem Pack (Watermelon)	Gatorade	48/12 oz.	5401740	12482	each	0.3870	18.58	N/A			
GB13	Tea Concentrated, Liquid	Thirstea	24/4 oz.	8152381	01001	each	1.5530	37.28	N/A			
GB14	Tea, Bags	Luziane	96/1 oz.	4047023	30360	each	0.1160	11.14	N/A			
GB15	Tea, Instant	Nestea	50/.56 oz.	2015311	44571	each	0.3620	18.10	N/A			

Bid No.	Description	Brand	Case Pack	Dist. Code #	Mfg. Code #	Bid Unit	Unit Price	Case Price	Serving Size	MMA (oz.)	BG (serv.)	YF - (cup)
P36	Lid, Plastic, Portion, 4 oz.	Solo	25/100 ct.	3036886	PL4	each	0.0107	26.67	N/A			
P37	Liners, Baking Sheet Pan Liner	Ft. James	1000 ct.	4034385	L010	each	0.0321	32.10	N/A			
P38	Liners, Trash, 45 gal.	Monogram	250 ct.	7329212	Z8048XN	each	0.1059	21.17	N/A			
P39	Liners, Trash, 55 gal.	Monogram	200 ct.	8329401	Z7260XNM	each	0.0944	18.88	N/A			
P40	Liners, Trash, Glutton, 43" X 48"	Monogram	200 ct.	4329744	HMW8648XNM	each	0.0903	18.07	N/A			
P41	Napkins, Dispenser Type, 7.25"X13.5"	Ft James	40/250 ct.	2003705	33201	each	0.0023	22.84	N/A			
P42	Napkins, Dispenser Type, 9"X13"	Ft James	32/250 ct.	8000721	39201	each	0.0030	24.04	N/A			
P43	Napkins, Dispenser Type, 12"X13"	Acclaim	12/500 ct.	5003710	37000	each	0.0049	29.68	N/A			
P44	Plastic Ware, Forks, White, Medium Weight	Clearshield	1000 ct.	2005890	05750	each	0.0055	5.54	N/A			
P45	Plastic Ware, Forks, Wrapped, Medium Weight	Clearshield	1000 ct.	7355795	312WF-AL	each	0.0138	13.84	N/A			
P46	Plastic Ware, Kit, Fork, Spoon, Knife & Napkin, IW	Max Pack	250 ct.	6354963	68F-A1	each	0.0587	14.69	N/A			
P47	Plastic Ware, Kit, Spork, Straw and Napkin, IW	Max Pack	1000 ct.	4376505	66FB1	each	0.0198	19.90	N/A			
P48	Plastic Ware, Spoon, Wrapped, Medium Weight, White	Max Pack	1000 ct.	6355796	331WF-A1	each	0.0138	13.84	N/A			
P49	Plastic Ware, Spoons, White, Medium Weight	Clearshield	1000 ct.	9005885	5700	each	0.0055	5.54	N/A			
P50	Plate, 6", Foam	Sweetheart	8/125 ct.	5041439	RS6BPY-Champ	each	0.0137	13.69	N/A			
P51	Plate, 9", 3 Compartment, Foam	Sweetheart	4/125 ct.	7041437	RS9CY	each	0.0240	12.00	N/A			
P52	Platter, 7" x 9", Foam	Monogram	8/125 ct.	0892349	TH10045	each	0.0236	23.64	N/A			
P53	Sacks, Lunch, 6#, White	Wins Paper	1/500 ct.	9376534	5006	each	0.0235	11.76	N/A			
P54	Towels, Paper, Jumbo Roll, 11" X8.8", 2 ply.	Ft James	12/250 ct.	3164159	27700	each	1.5408	18.49	N/A			
P55	Towels, Paper, Multi-Fold, 9.25" X 9.25"	Ft James	16/250 ct.	7046162	23304	each	0.0032	12.65	N/A			
P56	Wrap, PVC, 18" X 2000	Reynolds	1 Roll	9155284	914CG	roll	11.2500	11.25	N/A			
P57	Bags, Bun Pan, Ovenable	Pansaver	1/100 ct.	2367639	42008	each	0.2795	27.95	N/A			
P58	Clam Shell, 1 compartment, Clear Plastic 9"x8"x3"	Monogram	1/250 ct.	0851907	C181120	each	0.1725	42.20	N/A			
P59	Gloves, Latex, Disposable, Medium	Food Handler	10/100 ct.	0111071	100-FH6	each	0.0248	24.80	N/A			
P60	Gloves, Latex, Disposable, Large	Food Handler	10/100 ct.	7155047		each	0.0248	24.80	N/A			
P61	Napkins, 17 x 17	G. Pac	8/500 ct.	1253400	36200	each	0.0117	46.90	N/A			
P62	Straws, Slim, 5.75", Indv. Wrapped	Sweetheart	12/1000 ct.	4043972	811TC	each	0.0028	34.33	N/A			
P63	Container, Sandwich, 5-1/8" Foam	Monogram	4/125 ct.	0852129	724149	each	0.0461	23.08	N/A			
P64	Pan Liner, Half Pan, Medium and Deep	PanSaver	100 ct.	1357672	42636	each	0.1886	18.86	N/A			

Ben E. Keith Foods
Award Catalog and Product Information for 2003-2004

Bid No.	Description	Brand	Case Pack	Dist. Code #	Mfg. Code #	Bid Unit	Unit Price	Case Price	Serving Size	MMA (oz.)	BG (serv.)	VF (cup)
GB01	Drink, Mix, Powdered (Cherry)	Keith	12/24 oz.	630427	50536	each	0.9508	11.41	N/A			
GB02	Drink, Mix, Powdered (Grape)	Keith	12/24 oz.	630426	50542	each	0.9508	11.41	N/A			
GB03	Drink, Mix, Powdered (Lemonade)	Keith	12/24 oz.	630421	50549	each	0.9508	11.41	N/A			
GB04	Drink, Mix, Powdered (Orange)	Keith	12/24 oz.	630424	50568	each	0.9508	11.41	N/A			
GB05	Drink, Mix, Powdered (Tropical Punch)	Keith	12/24 oz.	630420	50539	each	0.9508	11.41	N/A			
GB06a	Juice Drink, Canned (Kiwi)	Everfresh	24/12 oz.	630851	32008	each	0.3404	8.17	N/A			
GB06b	Juice Drink, Canned (Orange)	Everfresh	24/12 oz.	630846	32009	each	0.3404	8.17	N/A			
GB06c	Juice Drink, Canned (Fruit Punch)	Everfresh	24/12 oz.	630837	32002	each	0.3404	8.17	N/A			
GB06d	Juice Drink, Canned (Lemonade)	Everfresh	24/12 oz.	630845	32007	each	0.3404	8.17	N/A			
GB06e	Juice Drink, Canned (Grape)	Everfresh	24/12 oz.	630844	32006	each	0.3404	8.17	N/A			
GB08a	Juice, 100% Ready to Serve (Apple)	Keith	12/46 oz.	620014	007215	46 oz	1.2258	14.71	FBG			
GB09a	Juice, 100%, Individual (Apple)	Bluebird	48/6 oz.	620010	00016	each	0.3422	16.43	FBG			
GB09b	Juice, 100%, Individual (Grape)	Bluebird	48/6 oz.	620083	00031	each	0.3877	18.61	FBG			
GB09c	Juice, 100%, Individual (Orange)	Bluebird	48/6 oz.	620130	00006	each	0.3339	16.03	FBG			
GB10a	Juice, Citrus Punch (California)	Sunny Delight	48/6.75 oz.	285460	65520	each	0.2958	14.20	N/A			
GB11a	Unavailable	Gatorade	24/10 oz.	630596	10003	each	0.4075	9.78	N/A			
GB11b	Unavailable	Gatorade	24/10 oz.	630598	10004	each	0.4075	9.78	N/A			
GB12a	Sport Drink, Twist Top, Elem Pack (Berry)	Gatorade	48/12 oz.	630617	32868	each	0.4490	21.56	N/A			
GB12b	Sport Drink, Twist Top, Elem Pack (Strawberry)	Gatorade	48/12 oz.	0000012								
GB12c	Sport Drink, Twist Top, Elem Pack (Watermelon)	Gatorade	48/12 oz.	630616	32866	each	0.4490	21.56	N/A			
GB13	Tea Concentrated, Liquid	Thirstea	24/4 oz.	640200	01001	each	1.6140	38.74	N/A			
GB14	Tea, Bags	Keith	96/1 oz.	640236	00769	each	0.1275	12.24	N/A			
GB17	Water, Drinking, Twist Top Cap	Dannon	24/16.9 oz.	630022	DN004	each	0.2425	5.82	N/A			
GB18a	Water, Flavored, Non-Carbonated (Cherry)	Meridian	24/16 oz.	630111	60416R	each	0.4658	11.18	N/A			
GB18b	Water, Flavored, Non-Carbonated (Lemon Lime)	Meridian	24/16 oz.	630110	60116R	each	0.4658	11.18	N/A			
GB18c	Water, Flavored, Non-Carbonated (Raspberry)	Meridian	24/16 oz.	630112	60216R	each	0.4658	11.18	N/A			
GB18d	Water, Flavored, Non-Carbonated (Strawberry)	Meridian	24/16 oz.	630113	60516R	each	0.4658	11.18	N/A			

Bid No.	Description	Brand	Case Pack	Dist. Code	Mfg. Code	Bid Unit	Unit Price	Case Price	Serving Size	MMA (oz.)	BG (serv.)	VF (cup)
P37	Liners, Baking Sheet Pan Liner	Castaway	1000 ct.	875554	25QI	each	0.0324	32.40	N/A			
P38	Liners, Trash, 45 gal.	Tyco	250 ct.	879063	HF404816	each	0.0663	16.59	N/A			
P39	Liners, Trash, 55 gal.	Tyco	250 ct.	879064	HF386016	each	0.0746	14.92	N/A			
P40	Liners, Trash, Glutton, 43" X 48"	Tyco	200 ct.	879105	HF434816	each	0.0713	14.27	N/A			
P41	Napkins, Dispenser Type, 7.25"X13.5"	Ft. Howard	40/250 ct.	880010	33201	each	0.0024	24.14	N/A			
P42	Napkins, Dispenser Type, 9"X13"	Ft. Howard	32/250 ct.	880070	39201	each	0.0030	24.60	N/A			
P43	Napkins, Dispenser Type, 12"X13"	Ft. Howard	6/1000 ct.	880050	37000	each	0.0050	28.69	N/A			
P44	Plastic Ware, Forks, White, Medium Weight	Keith	1000 ct.	871251	05750RFBEK	each	0.0059	5.92	N/A			
P45	Plastic Ware, Forks, Wrapped, Medium Weight	Max Pack	1000 ct.	871522	61170222	each	0.0138	13.80	N/A			
P46	Plastic Ware, Kit, Fork, Spoon, Knife & Napkin, IW	Keith	250 ct.	871309	ROBEK	each	0.0598	14.95	N/A			
P47	Plastic Ware, Kit, Spork, Straw and Napkin, IW	Solo	1000 ct.	871296	64067	each	0.0181	18.11				
P48	Plastic Ware, Spoon, Wrapped, Medium Weight, White	Solo	1000 ct.	871061	61070	each	0.0138	13.89	N/A			
P49	Plastic Ware, Spoons, White, Medium Weight	Keith	1000 ct.	871252	5700RTBEK	each	0.0059	5.92	N/A			
P50	Plate, 6", Foam	Sweetheart	8/125 ct.	830009	RS6BBY	each	0.0126	12.56	N/A			
P51	Plate, 9", 3 Compartment, Foam	Sweetheart	4/125 ct.	830031	RS9CYWH	each	0.0243	12.19	N/A			
P52	Platter, 7" x 9", Foam	Sweetheart	4/125 ct.	830026	RS79PY	each	0.0285	14.27	N/A			
P53	Sacks, Lunch, 6#, White	Duro	1/500 ct.	874218	80027	each	0.0215	10.75	N/A			
P54	Towels, Paper, Jumbo Roll, 11" X8.8", 2 ply.	Ft. Howard	12/250 ct.	881023	27700	each	1.5616	18.74	N/A			
P55	Towels, Paper, Multi-Fold, 9.25" X 9.25"	Ft. Howard	16/250 ct.	881017	23304	each	0.0031	12.76	N/A			
P56	Wrap, PVC, 18" X 2000	Keith	1 Roll	877020	9016	1 Roll	11.2000	11.20	N/A			
P61	Napkins, 17 x 17	Ft. Howard	8/500 ct.	880030	36200	each	0.0092	37.02	N/A			
P63	Container, Sandwich, 5-1/8" Foam	Pactiv	4/125 ct.	872023	TH10079	each	0.0464	23.19	N/A			
P64	Pan Liner, Half Pan, Medium and Deep	PanSaver	100 ct.	875484	42646	each	0.1920	19.20	N/A			
RB01	Bagels, Cinnamon-Raisin	Sara Lee	12/6 ct.	398833	8040	each	0.1948	14.03	2.79 oz each		3 serv	
RB02	Biscuit, Dough, Raw 2.5 oz.	Rich's	216/2.5 oz.	412866	16280	each	0.1235	26.68	2.5 oz each		2 1/4 serv	
RB04	Biscuits, Refrigerated, Canned	Earthgrains	12/16 oz.	695008	083	each	0.1264	12.14	34 gms each		1 1/4 serv	
RB05a	Bread, Mini Loaf, Banana, Indv. Wrapped	Super Bakery	70/2 oz.	413395	6034	each	0.2240	20.18	2 oz each		1 serv	
RB05b	Bread, Mini Loaf, Blueberry,Indv. Wrapped	Super Bakery	90/2 oz	413426	6032	each	0.2240	20.18	2 oz each		1 serv	
RB06	Bread, Soft, Wheat, Sliced	Mrs. Bairds	8/24 oz	290073	45	oz	0.0466	8.96	G/B Chart			

KEY: FBG=Food Buying Guide N/A=Not Applicable G/B Chart=Grain Bread Chart *Enhanced Food Based Only

JEFFERSON COUNTY SCHOOL DISTRICT R-1

FORMAL INVITATION TO BID

JEFFCO PUBLIC SCHOOLS

Building Bright Futures

CAFETERIA PAPER PRODUCTS
(FOOD WAREHOUSE)

BID NUMBER 2673

Date of Issue: September 5, 2002 ~~—Lona Rodriquez/ck~~
To Be Opened September 26, 2002 at 8:00 A.M.
Bid to be returned PRIOR TO ~~time~~ and date above.

Jefferson County School District R-1
Education Center, Purchasing Dept.
1829 Denver West Drive, Bldg. #27, 3rd Flr.
P.O. Box 4001
Golden, Colorado 80401-0001
(303) 982-6750

VENDOR'S CERTIFICATION

We offer to furnish to Jefferson County School District R-1 the materials, supplies, products, equipment and/or services requested in accordance with the specifications described herein.
Vendor must print company name in the upper right hand corner of bid pages.

Vendor M+Q PLASTIC PRODUCTS, INC
Address 1120 WELSH RD
City NORTH WALES **State** PA **Zip** 19454
Telephone No. 267-498-4031
Name JIM CARROLL
Title SALES REPRESENTATIVE
By _____
(Authorized Signature)

8/93
(rev. 6/96)

M+Q PLASTIC
VENDOR NAME

Item#	Est. Annual Usage	Min Order Qty	Description		
36.	144 dz	48 dz	**POT HOLDERS**, 8½x10 No slit Calico 15PH1B **NO SUBSTITUTE**	*VENDOR PRODUCT #*	4171 $____ NET UNIT PRICE/DZ MFG NAME & #
37.	75 cs	25 cs	**PAN LINERS**, full pan, shallow, 20.8" x 12.8", 2.5" deep, bx/100 Pan Savers	42001 *VENDOR PRODUCT #*	4182 $ 38.90 NET UNIT PRICE/CS HOTEL SHALLOW MFG NAME & #42α
38.	75 cs	25 cs	**PAN LINERS**, full pan, deep, 20.8" x 12.8", 6" deep, bx/~~100~~ 50 Pan Savers	42002 *VENDOR PRODUCT #*	4183 $ 23.35 NET UNIT PRICE/CS HOTEL DEEP MFG NAME & #42ω
39.	75 cs	25 cs	**PAN LINERS**, half pan, shallow, 10.4" x 12.8", 2.5" deep, bx/100 Pan Savers	42003 *VENDOR PRODUCT #*	4184 $ 21.10 NET UNIT PRICE/CS HALF SHALLOW MFG NAME & #42∞
40.	75 cs	25 cs	**PAN LINERS**, half pan, deep, 10.4" x 12.8", 6" deep, bx/100 Pan Savers	42636 *VENDOR PRODUCT #*	4185 $ 21.10 NET UNIT PRICE/CS HALF DEEP MFG NAME & #426
41.	900 cs	300 cs	**PLASTIC WRAP**, 18" wide, 1000 ft roll Reynolds 904	*VENDOR PRODUCT #*	4186 $____ NET UNIT PRICE/CS MFG NAME & #
42.	900 cs	300 cs	**TOWELS, DISPOSABLE**, Heavy Duty Wipes, bx/150 Kimberly Clark KC6280	*VENDOR PRODUCT #*	6037 $____ NET UNIT PRICE/CS MFG NAME & #
43.	450 bx	150 bx	**HANDIWIPES, DISPOSABLE**, green, bx/20 3M Scotchbrite 96	*VENDOR PRODUCT #*	xxxx $____ NET UNIT PRICE/BX MFG NAME & #

Lincoln Unified School District
Child Nutrition Services
6776 Alexandria Place
Stockton, CA 95207

Kathy Drennen
Phone: (209) 9538655
Fax: (209) 477-7468

Unit	Item	Pk/Size	Spec'd Mfg	Estimated Usage	Sample Required	Alternative Mfg.	Alternative Pk/Size	Your Item #	Price
pkg	Gloves, Rubber/lined, Large	12 pair		10					
pkg	Gloves, Rubber/lined, Small	12 pair		5					
cs	Gloves, Vinyl/medical exam/powder free, Medium	10/100		30					
cs	Hair Nets, Brown	10/144		10					
cs	Hinged Lid Container, Clear, 5x5	4/125		25	*				
cs	Pan Liner, Hotel-TPL25, 6" Hot	250	Tuff Gard	20					
cs	Pan Liner, Nylon, Hi Temp, (450 deg), 2.5-4"/Med	100	PansSaver	15				42001	$31.10 per cs
cs	Pan Liner, Nylon, Hi Temp, (450 deg), 6"/Deep, 20	50	PansSaver	60				42002	$18.90 per cs

BID PROPOSAL FORM SHENANDOAH BUYING COOP - BLUE RIDGE GROUP

Company _____

ITEM #	DESCRIPTION	APPROVED BRANDS	EST. UNITS REQ	UNIT	UNIT PRICE	EXTENDED PRICE
295	PanSaver Pan Liners Full size pan (shallow & medium) Pan depth: 2.6"x4" 100/bx. Brand: Pack:	Pan Saver No Substitute	150	cs	$38.10	0.00
296	Plates, Foam, 6" 1000/cs.	Mobil THI-006 No Substitute	50	cs		0.00
297	Plates, Foam, 9" or 9-1/4", undivided. 500/cs. Brand: Pack:	Mobil THI-009	25	cs		0.00
298	Spoons, plastic, medium wt., 1000/cs. Brand: Pack:	Dart 66-BW	350	cs		0.00
299	Straws, plastic, wrapped, 5-1/2", 12,000/cs. Brand: Pack:	Jet	175	cs		0.00
300	Tray Inserts, Clear Plastic Insert Dish, 3-1/2" x 3-1/2" x 1-1/4", Brand: Pack:	Ivex #196	200	cs		0.00
301	Trays, 6 compartment, foam, approximately 9" x 11", 500/cs. Brand: Pack:	Gen Pak Mobil THI-0601	800	cs		0.00
302	Trays, Paper, food, number 25 or 1/4 lb. 1000/cs. Brand: Pack:	DOPDCO 5811 Fonda	250	cs		0.00
303	Trays, Paper, food number 50 or 1/2 lb. 1000/cs. Brand: Pack:	DOPDCO 5803 Fonda	200	cs		0.00
304	Bleach, 6/1 gal. Brand: Pack:	Pleasure * Austin or equal	300	cs		0.00

3/12/2003

Chester County Schools Joint Purchasing Board
Cafeteria Disposable Wares, 2003-04
Vendor Bid Form

Name of Bidder _____

Item Number | Unit | Description

Item 186.00
Total Quantity 219

Brand Name and Manufacturer # _____

Unit Price: $ _____

187.00 Box — PAN SAVER: High Temperatures to 400 degrees F, 20.8" L X 12.8" W , fits hotel pan 2 1/2" to 4", 100 liners/box, Pan Saver # 42001, No substitute

Upper Merion SD	4	Upper Dublin SD	6	Souderton Area SD	4	CDC	8	CASE	6
CAT - Brandywine	8	Head Start	4	Springfield SD	2	Tredyffrin - Easttown SD	1		

Item 187.00
Total Quantity 43

Brand Name and Manufacturer # PanSaver® / M3Q PLASTIC PRODUCTS

Unit Price: $ 31.10 GOOD THROUGH DEC. 19, 2003

188.00 Case — PLACEMATS: PAPER, 10" x 14", colors, scalloped edges, 1000/case, Color choice at time of order, Vendor to provide a list/swatch book of available colors

Upper Perkiomen SD	2

Item 188.00
Total Quantity 2

Brand Name and Manufacturer # _____

Unit Price: $ _____

189.00 Case — PLACEMATS: PAPER, 10" x 14", white, scalloped edges, 1000/case, Springprint 13-100 or approved equal, sample required

Upper Perkiomen SD	2	Tredyffrin - Easttown SD	1

Item 189.00
Total Quantity 3

Brand Name and Manufacturer # _____

Unit Price: $ _____

190.00 Case — PLATES: OVAL, 7" x 9", coated waxed paper, Preference or Jazz Pattern, sample required, Sweetheart or approved equal

Hatboro-Horsham SD	10	Upper Perkiomen SD	2

Item 190.00
Total Quantity 12

Brand Name and Manufacturer # _____

Unit Price: $ _____

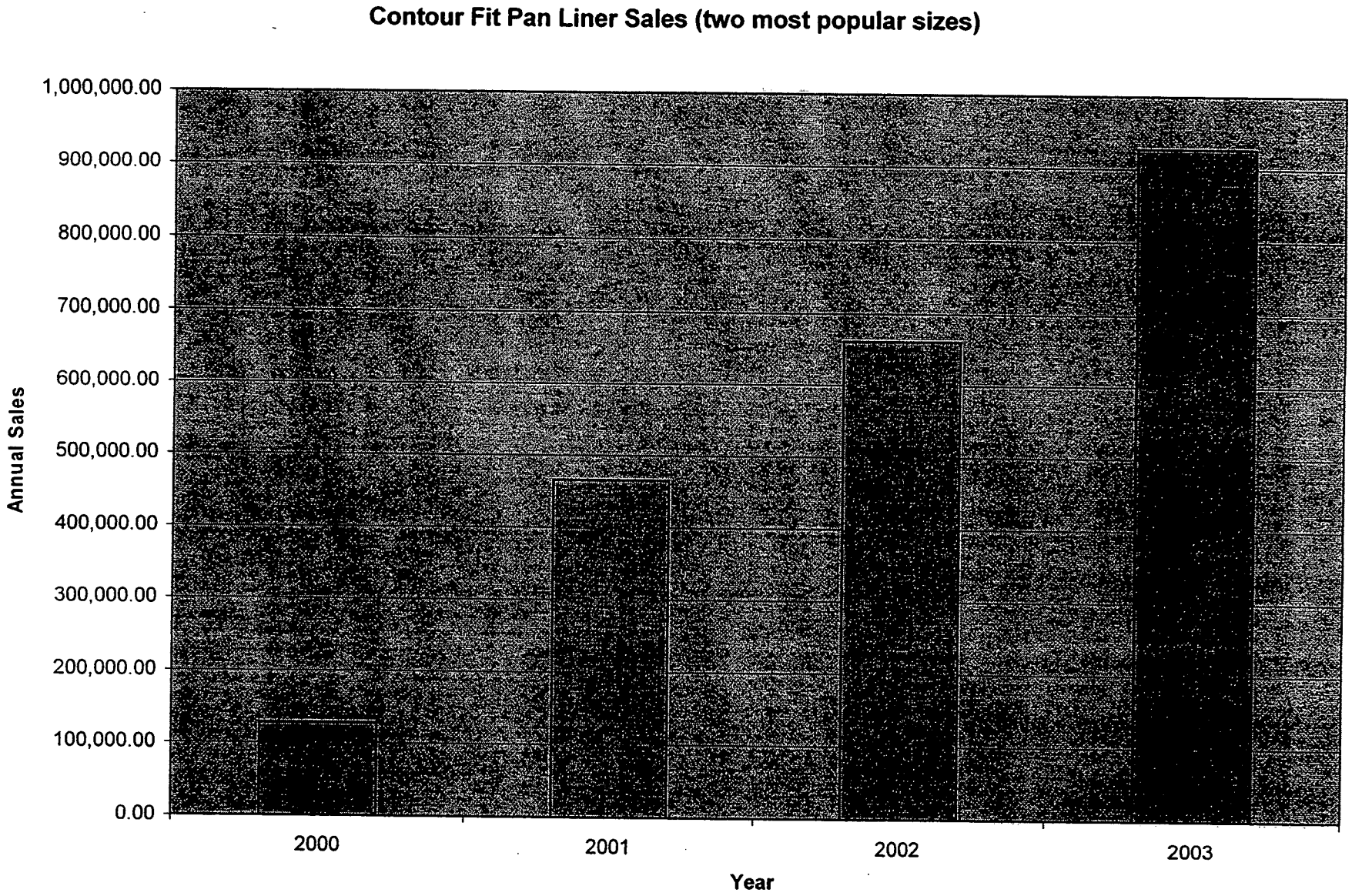
191.00 Case — PLATES: OVAL, 7" x 9", foam, unlaminated, white, 500/case, Dart 9PRWC or approved equal

Hatboro-Horsham SD	50	Upper Merion SD	5	Upper Dublin SD	10	Oxford SD	25	Avon Grove SD	30
Octorara SD	20	Upper Moreland SD	15	Upper Perkiomen SD	2	Great Valley SD	25	Tredyffrin - Easttown SD	11

Item 191.00
Total Quantity 193

Brand Name and Manufacturer # _____

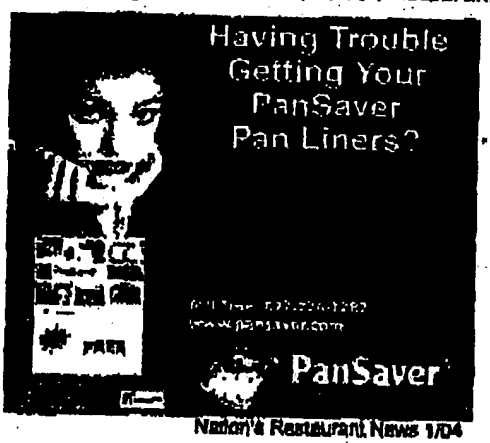
Unit Price: $ _____



Sales & Marketing BULLETIN

Bulletin #:	274
Date:	January 21, 2004
To:	FoodHandler Sales Representatives, Sales Staff
C:	Leadership Team, Manufacturing, Customer Service
From:	FoodHandler Marketing
Subject:	**PanPals Sales Opportunity**

FoodHandler was successful in selling over 15,000 cases of PanPals High Temperature Pan Liners and Cooking Bags in 2003. Due to our effectiveness in penetrating the market, PanSaver has significantly changed their go-to-market approach. The below PanSaver advertisement appeared in the January issue of the Nation's Restaurant News magazine.



Nation's Restaurant News 1/04

As you can see, PanSaver is now selling directly to the operator and cutting out the distributor. End users can easily order direct from PanSaver by sending an email or calling a toll free number.

Why would a distributor stock PanSaver when PanSaver is directly competing with the distributor?

Please use this advertisement as a sales opportunity to speak to all of your distributors who are currently stocking PanSaver. *Now is the time for all of your distributors to stock FoodHandler's PanPals High Temperature Pan Liners and Cooking Bags only.*

Good Selling!

514 Grand Boulevard ■ Westbury, NY 11590 ■ Telephone 800-338-4433 ■ In NY 516-338-4333 ■ Fax 516-338-4435

XI. Related Proceedings Appendix

There are no related appeals, interferences or judicial proceedings.